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ART. I.—1. *Indications of a superintending Providence in the Preservation of the Prayer Book, and in the Changes which it has undergone; being No.* 86 *of the Tracts for the Times.* Oxford: Parker. London: Rivingtons. 1839.

2. *Hymni Ecclesiæ, è Breviario Parisiensi.* Oxon. Parker. 1838. 18mo.

3. *Hymns, translated from the Parisian Breviary.* By the Author of "The Cathedral." Oxford: Parker. 1839. 18mo.

4. *A Collection of Private Devotions, called the Hours of Prayer.* By Dr. John Cosin, Lord Bishop of Durham. Republished at Oxford. 1838. 24mo.

5. *An Ecclesiastical Almanack for the Year of our Lord* 1840; *without authority, but from authentic sources.* London: Leslie. 1840.

How many a "wave and storm" has raged around or broken over the English Liturgy, without shaking it in its strong foundation, or even damaging seriously any of its noble features! Its fixedness has been truly wonderful, in contrast not merely with the political changes which it has outlived, but with the fluctuations of English theology, in the midst of which it has stood as a rock; an object for the weary eye to rest on, a witness against individual error, and a guide in difficulty, as well as a pledge that as a Church we were not forsaken. During the last century, for example, when the blighting influence of the Revolution was at its worst, what, humanly speaking, could have saved us, but the unambiguous testimony of the Prayer Book to certain high doctrines and inherent powers of the Church Catholic? Looking to the conflict of elements out of which our present Liturgy arose, and the adverse influences to which, in its infancy, it was subjected, it is matter of devout thankfulness that it was originally what it was; nor less so that, in the course of succeeding ages, it has lost so little—for something surely it has lost—of its first

freshness. What a mercy, for instance, it is, that the Ordination Services escaped the malignant effect of those ultra-Erastian opinions, which Cranmer is known to have entertained at one period of his life! Again, how was Mary's reign overruled to good, as a means of arresting the downward progress of the Reformation! From the obscuration which it then suffered, the Liturgy emerged brighter than before. It has been said, though unwillingly, both by Roman Catholics and Protestants, that the changes admitted into the Prayer Book in Elizabeth's reign went far to raise expectations of an union between the Churches. This is, at all events, pleasant to think of. At the Hampton Court Conference, the Catechism was enforced by the high doctrine of the Sacraments: and the firmness of the Bishops, added to Baxter's violence, marred all the hopes of the Presbyterian party after the Restoration; and issued in changes favourable to the Catholic tone of our Liturgy. But stranger than all was the failure of attempts made upon the Prayer Book after the Revolution; when the greater amalgamation of parties might have seemed to favour the designs of the Protestant innovators. Again the Liturgy was preserved; and the rationalistic ἦθος which had threatened it, was drained off in the far preferable channel of individual speculation, comparatively with the corruption of Church Formularies innocuous. In our own days the old Puritan cry against the Church Service, its repetitions, the reading of the Apocrypha, the doctrine of the Occasional Services, &c., has been re-awakened; and, no long time since, we heard the melancholy tale of Clergymen, high in office, sanctioning the notion of petitions to *Parliament* for changes, or modifications, of doctrine, in one of our authorized Formularies. But these things seem to have died away; controversies have taken a new form, and objections been diverted into a different channel. If the writers of the "Tracts" have done us no other service, at least we thank them for having drawn off the fire from the Athanasian Creed and the Baptismal Service. Judging from appearances, the alterations in the Liturgy, no long time since projected, or discussed, would seem to be as little likely at present, as at any period during the last century.

Meanwhile, both the contents of the Prayer Book have come to be more and more deeply valued, and its history proportionally better understood. We think we shall have the suffrages of all parties with us in attributing the former of these happy results to the influence of a volume of religious poetry, published some twelve years ago, for the avowed purpose of "assisting members of the English Church to bring their thoughts and feelings into more entire unison with those recommended and exemplified in the Prayer Book;" and the popularity of which has been attested by

its sale, for a work of the kind almost unexampled. On the other hand, attention has of late years been largely directed to the original sources of our Liturgy, and its claim upon our veneration has been enhanced by enlisting in its behalf our natural prepossessions in favour of Antiquity. One of the first persons to give an impulse, in our own time, to liturgical studies, was the late Bishop Lloyd; of whose private lectures, as Divinity Professor at Oxford, upon the English Prayer Book, in connexion with the Services out of which it was constructed, we can ourselves speak from recollection, as having been singularly fitted, both from the kind manner of the lecturer, and his great stores of information, to interest the theological students who had the advantage of attending them. Bishop Lloyd had prepared, we believe for publication, some MS. notes upon the Prayer Book, which fell, after his premature death, into the hands of Mr. Palmer; with what benefit to the cause of liturgical theology needs not here to be said. The investigations which the Bishop had carried to a certain point only, Mr. Palmer pursued much further; having traced in his valuable and learned work the various portions of the English Prayer Book from their more immediate to their primitive sources.

The increased acquaintance with the foreign Service books, to which these inquiries have led, is, to us, by no means one of their least advantages. The Liturgies of Rome and Paris were, till very recently, sealed books to the Protestant world. We well remember that when Bishop Lloyd began his lectures, twelve years since, it was hardly possible even to procure copies of them: Protestant booksellers did not possess them, and the Roman Catholic did not like selling them, suspecting some sinister intention; so that three or four copies of the Roman Breviary and Missal were all which could be found for Bishop Lloyd's very large class. But now Mr. Parker, of Oxford, finds it worth his while to import a considerable number of copies both of the Roman and Parisian Breviaries every year; whence we infer, and with great satisfaction, that the ancient Services are coming to be studied, not merely as matter of literature, (for this would hardly account for the sale found for them,) but for purposes of private devotion. We do not share, though we can readily understand and allow for, the apprehensions of those who regard facts like this as indicative of a Popish leaning in the rising generation of English Churchmen. To say that the depth and richness of the ancient Services of the Universal Church have no parallel in modern times, were to bring into a painful comparison what is far too sacred for human criticism. But, to speak of one only among their characteristics, as contrasted with the devotional

works of individual men, what elsewhere approaches to their deep and varied application of Scripture? For this the Parisian Breviary is especially remarkable; while the Roman, again, abounds with extracts, of the highest practical value, from Patristic and Ecclesiastical sources. The Parisian is much freer than the Roman from direct Invocations of the Saints, and such like, as we must call them, uncatholic peculiarities. How much the general doctrine of the Parisian Breviary agrees with that of our own Church, is plain from the comparatively few omissions which the translator of the Hymns contained in it (whose beautiful little volume stands third on our list) has found it necessary to make. On the whole, we repeat, we anticipate no danger to our own purer branch of the Church Catholic from this increased attention to the Offices of the Church abroad; but, on the contrary, fresh gratitude to the Power which at first overruled the construction of our own venerated Liturgy, and has since shielded it from the touch of irreverent hands; a fuller appreciation of its meaning, and a more faithful enforcement of its provisions; and, on the other hand, what we must consider no mean benefit in a Christian point of view, a better knowledge, and, together with it, a more charitable estimate, of the Devotional System of that portion of the Universal Church, of which we should ever think more in sorrow than in anger, and from which we are unhappily disunited in too many points not to feel reason for rejoicing in the opportunities of sympathy and communion, where they may be embraced without compromise.

While, however, we are thus sanguine as to the result of an increased acquaintance with the Devotional Offices of the foreign Churches, well satisfied that the more ancient records of Catholic truth will always be found to constitute a protest against the peremptory decisions of a later age, as well as the existing practice in countries under Papal influence, we own ourselves anything but sorry for the publication, just at this moment, of so valuable a corrective of the possible evils of the present increased interest in the continental Liturgies, as is furnished by the thoughtful and elaborate Essay which stands first on our list. Not doubting that the Protestant tone of feeling generally requires elevation rather than control, and therefore hailing, with great satisfaction, the publication, both in the original and in English, of the sublime Breviary Hymns, and other like proofs of a growing taste for the ancient Forms of Prayer and Praise, we are far from insensible to the danger to which minds of a certain rare complexion are exposed, of being spoiled by often presence at a richer banquet than suits their actual condition, for the homelier, but not therefore less wholesome, fare which a merciful Providence has set before

us. Such has been thought, untruly we are satisfied, but not unnaturally, to have been the late Mr. Froude's danger at one period of his life. One or two passages of his Remains have gone the round of certain newspapers and periodicals, detached from their context, and from passages in other places which might have explained them, whence it has been supposed that the writer was desirous of breaking away from the wholesome restraints of the system under which Providence had placed him; a feeling to which the peculiarly docile and sober character of Mr. Froude's mind was essentially opposed. However, we admit that the inference is anything but unnatural on the part of those unacquainted, or but imperfectly acquainted, with the person in question. And we admit also, that the apprehension, groundless as we believe it to have been, as respects the quarter to which it is applied, is, as respects minds, ardent and romantic like Mr. Froude's, but less considerate and well disciplined, anything but unreasonable.

And the need of minds such as this it is, which the Tract, No. 1 on our list, seems peculiarly fitted to meet. The leading idea of this dissertation falls in so strikingly with one of Mr. Froude's own, that, although knowing nothing of the circumstances under which it was written, we can hardly help supposing that a passage in Mr. Froude's Remains may have suggested it;* that, we mean, in which he speaks of English Churchmen being bound to receive their present Liturgy with reverence, humility, and thankfulness, as "crumbs from the Apostles' table." The idea thus thrown out, or readily adopted, by Mr. Froude, is, in this Essay, followed up; and the view seems so important, especially at this moment, that we shall crave permission of our readers to enlarge upon it; and of the writer of the Essay in question, to transfer his subject into our own inadequate words. All we propose is, to exhibit his view in outline with such instances only as may be necessary to explain it. The Tract will amply repay a thoughtful perusal; were we to characterize it, we should say that it is eminently *scriptural;* its author plainly possesses what Aristotle considers the great mark of a philosophic mind, the power of illustration; and the Bible, the Old Testament especially, is the source to which he instinctively recurs for the means of enforcing his argument. We are also glad to see some of the gifted writers of heathen antiquity, and above all our especial favourite Pindar, enlisted in the sacred cause of Catholic truth.

Looking to the general tone and structure of our Liturgy in connexion with our actual circumstances as a Church, at and since

* This impression is confirmed by an observation in the Preface to the new volumes of Mr. Froude's Remains, published since these remarks were written.—(p. xxiv.)

the time of the Reformation, this author seems to himself to discover an adaptation of provisions to needs so striking, as to be inexplicable by reference to mere human agency. On the side of need, there is the actually penitential condition of the later Church bewailing the sins of a former age, and suffering their penalties. She seemed to say at the Reformation, "Make me as one of Thy hired servants;" and she has been graciously taken at her word; lowered from her ancient and proper place, as the "king's daughter, whose clothing is of wrought gold," whose "walls the sons of strangers should build, and unto whom their kings should minister," into the condition of a slave at the table where she should preside. How, then, (to use this author's illustration,) does "melody" suit with her "heaviness;" the songs of Sion with the fetters of Babylon? Lower strains befit her depressed condition; and with such, in the English Liturgy, she is actually provided.

Again, if one temper more than another be characteristic of the ages since the Reformation, not to speak of that era itself, it is surely the spirit of Lawlessness. What but an evidence of this is that presumptuous maintenance of the "right of private judgment," in which (mere) Protestantism entrenches itself against the decisions of God's Church? What, but different forms of the lawless temper, are the crying evils of our own day; the preference of mere civil liberty to the "service of perfect freedom;" the spirit of independence, whether aristocratic or commercial; showing itself in open defiance, or what is hardly, if at all, better, in a sort of condescending patronage, of the Church; not to speak of all the various ever-shifting phases of the Revolutionary and Dissenting principle? Is it not, then, very remarkable, as this writer observes, that the changes brought about (by whatever means) in our own, as compared with the more ancient Liturgies, should have taken the form, as on the one hand, of calls to Repentance, so on the other, of warnings against Disobedience? The greater part of the Essay is directed to the proof of these two positions.

A remarkable point of difference between our own and other Liturgies, meets us at the very opening of the Service. Unlike others, its earlier portion is strictly penitential. That there is something unnatural, and, as it were, discordant, in thus coming, as if in tears, into the Divine Presence, where the holy of old were "glad when they said, we will go into the house of the Lord," is proved to the author's mind by the curious fact, that, in the American Liturgy, certain notes of joy have found their way among the opening Sentences of Morning and Evening Prayer, which are, in the American Church, the same generally as with us. We might add, as bearing upon the same point, the practice,

not unfrequent even in England, irregular altogether as things are, yet important as thus witnessing to the natural feeling for which the Universal Church, as distinguished from our own portion of it, has provided, of beginning Divine Service with a psalm or hymn. This, like the American introduction, seems to show that Christians feel their position in our own Church, an awkward one, from which they would fain escape if they could; an outbreak of nature, which certainly attests, what however requires no fresh evidence, the great suitableness, to our ordinary needs, of the old Catholic system; while, at the same time, it indicates what this author would esteem the special fitness of our own Church system to our present somewhat anomalous condition. The Church has sullied her baptismal robe of purity; she is not permitted to come into the Divine Presence at all, until she has done penance; nor, when admitted, is she privileged to raise her voice in the language of joy and confidence, without many a faultering note of fear and self-reproach.

Such misgivings, as they may be called, in the tone of our Service, lowering in many places the language of high joyfulness, like minor movements in a piece of gladsome melody, the author seems to himself to discover in the very turn of expression, no less than in the separate portions, of the Prayer Book. Consider, first, its actual omissions:

"We have the ancient Κύριε ἐλέησον, but have not the Allelujahs; which indeed, in the solemn accents of the ancient Hebrew form, are so frequent in other churches, that they remind one of the high evangelical promises alluded to in the Apocrypha, 'The streets of Jerusalem shall be paved with beryl,—and all her streets shall say Allelujah.' The Introitus, or Psalm introducing the Communion, we have lost. The Hosannah, at the end of the Trisagion, the Gloria Deo at the Gospel (excepting as observed by traditionary use) are omitted. In King Edward's first book were the words in the Communion, '*Let us keep a joyful and holy Feast with the Lord;*' these find no place in ours. But we have a penitential responsory on having broken each of the Commandments, and a peculiar prayer of humiliation as unworthy '*to gather up the crumbs under the table.*' We have indeed the Gloria in excelsis, but removed to the Post-Communion, and usually said kneeling. Add to this, that we are even to this day without Canonical Hymns, notwithstanding all efforts to obtain them; but instead of Psalms and Spiritual Songs, even our Thanksgiving assumes the shape, and soon falls into the language of Prayer: like them of old in a condition in some degree analogous to our own, 'we sit down and weep, when we remember thee, O Sion; as for our harps, we hang them up upon the trees that are therein.' Of the few hymns which we have at the end of the version of the Psalms, one is 'the humble suit of a sinner,' and two are 'the lamentations of a sinner.' With such a beautiful and touching adaptation to our position does the silence and the language of our Liturgy

seem to conspire, all brought about by the influence of that unseen Hand, that changes night into day, and summer into winter, by an imperceptible process that none can mark. The roll put into our hand has lamentation written on it. 'Praise,' says the son of Sirach, 'is not seemly in the mouth of a sinner, for it was not sent him of the LORD.'" —p. 19—21.

He goes on to enumerate among omissions, the Prayer for the Dead in the ancient form of the Prayer for the Church Militant; the mention of Angelic Ministries in the Prayer of Oblation; and (on the other hand) the introduction of the awful Service of Commination, peculiar to our own Church.

Much, again, may be gathered from merely verbal changes, such as the omission of the word "Fideles" in the Collect for the Fourth Sunday after Easter, and the substitution for it, at the review of 1662, of the words "sinful men." Again, the introduction, so frequent as to betoken design, though not in the secondary agents, of the word "servants," with other similar expressions indicative of a degraded or aspiring condition, rather than an exalted one.

Perhaps there is no Prayer in the whole of our Service which more breathes the elevated tone of the ancient Church than the second of the Post-Communion Collects. We speak in that beautiful address of our high Christian privileges, and pray that we may be preserved in them; whereas, in the former, we confess that we are "unworthy, through our manifold sins, to offer any *sacrifice*," and pray that, instead of it, our "bounden *duty* and *service*" may be accepted. But, as a matter of fact, the latter of these Collects is hardly ever used; a kind of silent testimony to the fact that we are in a degraded condition. The same humiliating avowal is signified in the practice (mentioned in the Tract) of kneeling during the Gloria in excelsis which follows. It may be said, indeed, in defence of this practice, that part of this ancient Hymn is precatory; but so likewise is part of the Te Deum. The posture commonly adopted during the repetition of these solemn words (appointed in our Service to be "sung or said") is, we think, an irregularity, not intended by our Church; but this does not prevent its being interesting as a confirmation of the present argument. There is another remarkable feature in our Service which bears upon the same point; we mean the introduction of the Gloria Patri towards the end of the Litany, where, in common with the petitions among which it occurs, it is said kneeling. In the Church of Salisbury this seems, according to Mr. Palmer, to have formed a processional chant.

Add to all this, that we have wholly lost some of the festal commemorations of the ancient Church, while others which anciently were festal, are with us of a more mournful cast. Why is

it that we commemorate our Blessed Lord's Passion as faithfully as ever, but have no special celebration of the joyful incidents in His Ministry, the Transfiguration, and the Triumphal Entry into Jerusalem? Our traditionary language bears witness to the propriety of commemorating the latter of these events, while the former of them has a Day, though not a special Service, set apart to it in our Calendar. But the services on what is still called in our Church Palm Sunday, refer, with us, exclusively to the coming Passion; their key-note is not "Hosanna," but "Crucify;" and we are ushered at once from Lent into the Holy Week with no brighter gleam of intermediate and preparatory light than is furnished by the associations of an ordinary Sunday, and that Sunday involved, as it were, in the shadow of a commencing eclipse. And as to the Transfiguration Service, it is omitted altogether; why, we know not, except it be part of a Plan mercifully designed to keep us humble. May it not be thought that such omissions are a kind of silent protest against the temper of this age, which may be briefly expressed in the words—all Crown, no Cross? It is certainly remarkable, and must, under all circumstances, be esteemed Providential, that at a time when the doctrine of the Cross has been in one part of the English Church neglected, and in another misrepresented, the theory of our Church, would it might be said the practice also! should keep up so full and conspicuous a witness to the ancient Verity. The weekly Fast we retain, but not all the Festivals of the ancient Church; and surely if we must lose either, we can better dispense with the joyous, than with the severe, part of the Catholic system. The former deficiency, mayhap, will be made up to us hereafter, at least, if not here; but "woe unto them that laugh now," where they should rather weep. And therefore better surely far, however imperfect, is our lot who, in the Services of our Church, rejoice too little, than theirs in the degenerate Church of Rome, who rejoice, if not too much, yet more surely than becomes their condition. Better for penitents to weep immoderately (if it be so) than for them who need repentance to rejoice where they should weep. And surely laxity in one form or another is the common feature of the Popish and ultra-Protestant systems, as distinguished from the truly Catholic. Catholicism is at once imaginative and ascetic, but Popery (proper) is imaginative without being ascetic. As to Protestantism, it is not imaginative certainly, still less is it ascetic, and yet there is something about it which somehow falls in with the pleasant doctrines of Popery. Now, upon the principles laid down by Aristotle, in the fourth book of the Ethics, may not the tendencies of our Service to the side of severity be favourable to our eventual settlement in the true Via Media?

To the same point is the fact that, with the exception of the very highest Festivals, we have lost the Octaves. Thus, as well as in the great abridgment of Festivals, our times of rejoicing are strikingly curtailed. And Dr. Pusey is of opinion that, according to our Rubric, the weekly Friday Fast is never superseded, excepting on Christmas Day. And even the Sunday Feast, "the Easter Day of every week," the actual practice of our age (as this Tract observes) has much tended to cloud over, by turning Sunday into a kind of Fast; an impropriety which, slight as it may now seem, the early Church made matter even of excommunication, so jealous was she of the honour of her risen Lord. As things are, there is so little of public and visible religion among us, that we hail the appearances of it, with whatever anomalies attended; and the Scotch view of the Sunday, which obtains in a measure among ourselves also, is interesting as a witness to the necessity of a weekly Fast. On the other side it might be urged, that we have but one of the two regular Abstinence Days of the Universal Church; and that, although we have a strict provision for keeping Lent, we have lost, as matter of formal appointment, the Catholic mode of observing Advent. We have, however, in the Collect, which is repeated throughout that Season, a sufficient and very remarkable protest against the modern view of some which would make the contemplation of the Second Advent a subject of mere joyfulness.

On the whole, there would seem to be "method" in our very irregularities, a tacit pervading witness to the fact, that we really are not worthy of all the great things the Church designs for us, and so must take "a lower room," and wait until we be called up higher.

The rubrical testimonies to the same fact, and those again which appear in the Occasional Services, are, as this Essay points out, very remarkable. For instance, the silence of the Rubric as altered since the First Book of Edward VI., as to the place, and attitude, of public Prayer. In Edward's reign, the Priest said prayers in the chancel, turning to the East: and this mode is sanctioned in the First Book. In the Second Book it is discontinued; but, as our author thinks, and apparently with reason, was restored under Elizabeth. In after times, however, from one cause or another, Morning and Evening Prayer seem to have passed from the chancel into the body of the church. How precisely, as this writer observes, is this change emblematic of our position as those who must take the lowest room; and weep awhile (as he beautifully quotes) between the porch and the altar, ere we can be restored to the comforts of the more immediate Presence!

The change of the word "altar" into the more unassuming one

(though likewise strictly Catholic) of "table," which took place in the Second Book of Edward, is significant of the same truth. However, with respect to this point, as well as to that which comes next in the Essay, and which, as the loss of a privilege, and not the mere change of a name, is far more important, the practice of Anointing at Baptism and Confirmation, we must remind our author that the Coronation Service, which may be considered to have the sanction of our Church, keeps up a witness to both of the Catholic truths, of which these omissions might seem at first sight to betoken the disparagement. Indeed, we cannot but regard the preservation of the Coronation Service in its present truly Catholic shape, as one of those indications of Providential care over our Church of which this writer speaks. Should its adoption and preservation in former times be connected, as we are inclined to suspect, with specially Protestant notions of the Temporal Supremacy, it would be a curious instance of error being overruled to good. How this ancient Service escaped after the Revolution we are at a loss to conceive; unless it were through unwillingness to strip debateable majesty of any of its externals. Is it not, again, possible, that certain sinister influences at court may have been the means of preserving it unimpaired on the late occasion? Had the same influences prevailed also to prevent festive scenes taking place in the Abbey of St. Peter upon the Vigil of the Patron Saint, it had been also well. St. Peter's *Day* that year was, we remember, upon a Friday; otherwise it would have seemed the properest imaginable for the solemnity.

By the way, talking of the Erastian tendencies of Protestantism, we must not omit to notice the precedence given in the Litany to the Sovereign over (not, as is often said, the *Church*, for the Prayer for the "Church Universal" comes first of all, but) the Clergy, which is yet a peculiarity but too significant of our condition.

We may remark here that we wish our author had entered a more decided protest than he has against the common Protestant objection to the Practice of Extreme Unction. The case of that practice is a proof of the danger of going by Scripture only. The real disproof of it is surely in the want of Catholic Consent; for, as to the passage of St. James upon which Protestants are apt to insist, we confess it seems to us, as far as it goes, to make for, and not against, the practice. What reason do the Apostle's words give for thinking that the Unction had reference to bodily cures only? Spiritual benefits *seem* likewise to be contemplated. Besides, as is observed in the Tract, why suppose that with respect to sudden and extraordinary cures, a broad line is drawn between primitive and later ages? Surely it is want of Faith, which is the

only hindrance to these gifts in later times. Why does St. James, in this very passage, apply to Elias the epithet ὁμοιοπαθής, except to show that the question turns upon difference not of Privilege, but of Faith, or of Privilege as depending upon Faith? What is the meaning of the popular phrase, "the Age of Miracles?" Is not every age of the Church an Age of Miracles? Is there *all* the difference, or, indeed, anything more than the difference between things seen and unseen (a difference worth nothing in Faith's estimate), between healing the sick and converting the soul; raising man's natural body, and raising him in Baptism from the death of sin? Is the wonder wrought at the Marriage of Cana a Miracle, and the change which the holy Elements undergo as consecrated by the Priest, and received by the faithful, no Miracle, simply because the one was perceptible to the natural eye, while the other is discerned by the spiritual alone? Protestants must take care what they are about when they speak at random against the Church of Rome, lest they pave the way for things as far worse than Popery as irreligion is worse than superstition; first rationalism, and next, infidelity.

But we are leaving our author, whose mind is of a far different complexion. And little space remains for noticing the second part of his Dissertation, in which he illustrates his latter position with respect to what some would call the *legal* tendencies of our Church Service. We mean, its leaning, in several remarkable instances, to such lessons of Obedience, mingled with severity, as befit the condition of persons in the state of servants, or, at least, scholars, rather than of sons, dealt with on terms of freedom and confidence. Need of such chastisements and warnings we surely have under our actual circumstances as a Church; and these needs appear to be met in our Service far more than in those which it has replaced. We think the case on the side of need might have been made even stronger by a fuller reference to the decay of Discipline among us. It must be obvious to any one who considers the Ancient Services, that they are framed upon the presumption of Christians being what they once were, "a peculiar people zealous of good works." The language of elevated Prayer and Praise is put into their mouths; language such as persons living in habitual sin cannot use without profanation. The standard of high heroic excellence is proposed to them, in the way both of precept and example; such as it needs certain holy sympathies even to understand. And truly, it must be felt even of our own Service, subdued as it is, that it is far too high for most of us. This has been ere now made by Dissenters and others a matter of objection to our Church; and such it is to her practice, but not to her theory. For instance, is it not plain, that even all uncomfortable feeling, not

to speak of any thing more unfilial, against the Burial Service, would vanish upon the restoration of that "godly discipline" which its Rubric presumes, and after which our Church annually sighs? However, if such difficulties be felt in the case even of our own Service, how much more strongly would they apply to those in use elsewhere! Such high tones may suit the Church which wields the powers of Excommunication; but us, as things are, they would positively disgrace and confound. And if it was in the counsels of Omnipotence, that, through secular influences on the one side, and want of internal strength on the other, we should cease to be the body which ancient Liturgies presuppose, "without spot or wrinkle," and include amongst us those who are Christians in name and privilege alone, what a merciful provision it is, that Lessons like those in Lent, declaratory of the Divine judgments against sin; and precepts of duty, stern and peremptory like the Commandments of the Decalogue, should characterize our Church in comparison with others! Any one who has ministered in London especially, where one knows not of what elements a congregation may be made up; whether all in it have even so much as been baptized, must feel the peculiar value of that elementary teaching which is involved in the Services of our Church, even upon any single Sunday. And the same thought reconciles in some measure to a more exciting tone of Preaching than is consistent with the perfect theory of the Catholic system. Not, indeed, to the prominent exhibition in preaching of the Christian Mysteries, (for this were inadmissible under far more extreme circumstances, and even upon the supposition of our congregations being *literally* heathen; indeed the more inadmissible, the farther the hearers receded from the perfect state), but to a more alarming tone than would be necessary or right under a stricter administration of the Church. For it is never to be forgotten that the Church on earth is a Type of the heavenly Jerusalem, into which nought enters which defileth; this is the view of it upon which the old Catholic Services are constructed; this is the state from which, through the operation of one cause or another, it has actually fallen, here in a measure, elsewhere even more than here; and, through the dispensation of Divine Providence, attempering provisions to needs, and remedies to evils, the tone of our Services has been simultaneously lowered. We were not instrumental in lowering it. Putting, by way of hypothesis only, the extreme case, and saying with the Roman Catholic, Fieri non debuit; still it may be that Factum valet. It is, of course, one thing to have originated the Reformation, whether on the whole, or in any of its details; another to continue in the Reformed Church as things are; which may surely be said without

necessarily implying that even the former act was unjustifiable. As it is, we English Christians, irresponsible altogether for the original changes, and, as we hope, in a measure for the state of things which leads us even thankfully to acquiesce in them, find ourselves members of the Church in its present embarrassed, and so far degenerate, condition. A Liturgy is put into our hands in which all the essentials of Catholic Truth are preserved, with the loss, here and there, of the more jubilant and filial language, together with some of the more ennobling privileges, of a former period. What so well befits us as gratitude to Him who has so wonderfully, by the instrumentality of whatever means, adapted our prayers to our wants, and denied us such privileges only as we are unfit to enjoy? And if even slaves, according to St. Paul, should prefer slavery which is God's appointment, to liberty of their own seeking, we, surely, who for our sins, or those of our forefathers, have "ashes" given us for "beauty," "mourning" for the "oil of gladness," and "the spirit of heaviness" for the "garment of praise," should wear our fetters dutifully, loyally, and even thankfully, not seeking impatiently to be rid of them. And thus, as this Tract observes, we may hope that the loss will, by degrees, be made up to us. Privileges are multiplied upon the meek and dutiful; and the way to more light is the thankful use of what we have. And while our duty lies in the way of patience and obedience, we cannot but humbly trust that, as the practice of our Church is brought more and more into accordance with its theory, and as it is gradually relieved of those chilling cramping influences, secular and political, which shrivel up its strong arm of power, and mar its fair proportions, we may be judged meeter for the language of high joyfulness, in a sinner's mouth so dissonant.

This argument, then, supposes that the English Church, as respects its Devotional Offices, is in the best state, καθ' ὑπόθεσιν, but not the best, κατ' εὐχήν: the best, as things are, not the best imaginable. If it be said, that this is to long after excellence purely ideal, let it be remembered that such must ever appear the perfection of the Visible Church, as foretold in Holy Scripture. The noble things said of the Church in the 60th chapter of Isaiah, for instance, where is as yet their destined accomplishment? One of these is, that "her Walls shall be called Salvation, and her Gates, Praise." At all times, of course, nothing is harder than to aspire without discontent, which seems especially our present duty. We are called upon with that Church of old, whose sin is so like our own, to be at once "zealous" and "repentant."

But while such is our duty, our tendency is, of course, to one or other extreme; to somewhat of a too ambitious and inconsiderate

longing after lost privileges on the one hand, or, on the other, to a somewhat pusillanimous acquiescence in our actual circumstances, as shown in an impatience of all attempts to restore us to what we once were. And in what we here say, and are about to say, we shall run risk, like all who take a middle course, of displeasing both sides; be too ambitious for some, and too servile for others.

It is said we are in danger of Popery, and, to say truth, we think the apprehension far from groundless. We admit the danger, but have our own opinion as to the quarter whence it threatens. No doubt, Rome is using, as in duty bound, her best efforts for the restoration of England to her communion; and esteems the present a peculiarly fit season for the attempt. Were we to give a guess at the reasons which incline Rome thus to think, our conjectures would take the following shape. England has been lately awakened from a long slumber of religious indifference. The exciting process was begun in the last century by the Wesleyans, and has since been carried on within, as well as without, the Establishment. Men have come, far more than they used, to esteem religion a real and serious matter. Deeply as all true Churchmen must deplore, and unequivocally as they must condemn, the irregularities, not to say the neglect of vital truth, with which many of these efforts have been accompanied, they must ever be thankful to a merciful Providence for the benefit, however brought about. But the system, by operation of which these effects have been produced, is utterly without power to satisfy the cravings which it has awakened. The late Mr. Knox had an idea of this when he said, "Methodism is for conversion, the Church for edification." Truly the Church is for both, and for all else which is good. However, the remark is true to this extent, that the Church speaks first and chiefly to person baptized in infancy and educated accordingly. She is out of her place, converting in a Christian country. The other system, manifested, whether openly without the Established Church, or partially under the restraint of her Formularies, (for in truth it is a system far too expansive to be controlled by any mere superficial checks, and far too universal to be defined by mere territorial distinctions,) loses sight, more or less, of Baptismal Regeneration, and so is enabled, with greater or less explicitness, to treat persons within the Church as out of the pale of the Christian Covenant. This course being wrong in itself, can never be made right by circumstances: still, no doubt, there has been much, as things have been, and still are, to account for it, and, we will hope, to excuse those who, under a temptation overpowering, except to the very strongest and most clear-sighted faith, have resorted to it. We incline to consider the irregularities

to which we allude as a judgment upon the Church (which does not prevent their being, in one sense, a subject of thankfulness), not (according to a view grounded apparently upon a misconception of the passage in Philip. 1) as an occasion of unmixed rejoicing; as evil overruled to good, but still as, in themselves, simply evil. But, at all events, the system in question, for we contend that it is a system distinct and substantive, however irregular and confused its appearances, is in itself weak and perishable, unable altogether to sustain the light which, by the help of such portions of truth as may in this or that instance have been accidentally mixed up with it, it may have been strong enough to kindle. In truth, it is the Church theory alone which addresses itself to man's whole nature. And by the Church theory we mean, of course, something different from the Church of this or that time or country, which may accidentally, and without any derogation from its intrinsic claims, become a feebler instrument of the Divine purposes than some fair, though lifeless, form of error.

We say, then, that feelings have been awakened, which the Church alone can sustain. This Rome knows full well; and her object accordingly, we say it in perfect charity, is to step into the place of our own Church, which she would fain represent as unequal to the demands made upon her in these days of awakened, but unsettled religious interest. And could we for an instant admit her premises, we should even rejoice in the consequences of her conclusion. Better any day is a Church than no Church; unity, rest, protection against self, with whatever drawbacks, than confusion, uncertainty, and self-will.

But these things our own Church, as we thankfully believe, is able to supply nearer home. We have, as even Rome has, in other days, been unwilling to dispute, the Apostolical Succession, and, with it, the Grace of the Sacraments; and, having this, we may have all else, for all else is but the development of this. And, were the claim of our Church upon our filial devotion but doubtful merely, where it seems imperative; still the error were surely less, were it in the end proved error, which is on the side of dutifulness. Surely (to take the lowest ground) a misplaced reverence will never lack our Lord's sympathy and indulgence. But very different, indeed, in its character were the sin of breaking filial ties, and putting offences in our brethren's way, should it turn out, after all, that we were right in our "first love."

But, if all this be so, it is plain that the cause of Rome is subserved, not by those who make, but by those who discourage, the attempt to carry into practice the theory of our Church with whatever accidental approximation to the system which, in so far

as she is Catholic, Rome follows with ourselves. And, where such discouragement comes from quarters to which implicit obedience is as much a Catholic duty as maintenance of the Truth, it constitutes a trial, under which, assuredly, nothing could make us easy but confidence in the Promises, by which the indefectibility of that Truth is secured.

Our statement, then, amounts to this: Feelings have been roused for which either Popery or Dissent will supply a better outlet than that jejune and motley system, miscalled a via media, which (considered without reference here to doctrine, and simply as a provision for certain legitimate needs of our better nature) partakes of the evils of the extremes between which it undertakes to mediate, without their points of attraction; having much of the irregularity of Dissent, without its enthusiasm; and much of the formality of Popery, without its imaginativeness. But the English Church, however defectively represented, has, we maintain, the principle of true Catholicity within it. We desire that this principle be carried out into all the details of the system; for, come what may, we will never, God helping us, go over to Rome so long as we have the Creeds and the Sacraments, and the outline of a perfect Catholicism in our Ritual.

The first step towards enabling our Church to take her proper place amongst us, as a Witness to Divine Truth, and an Instrument of Christian edification, is, surely, to obey her injunctions, where unequivocally expressed. What a sad state of things it is, that the public manifestation of religion in Christian England should be almost confined, as a general rule, to one day in the week! In Catholic countries abroad, no one can doubt, at all events, that he is among Christians; the image of the Cross meets the eye every where; the churches are always open, typical of the heavenly Jerusalem (Isaiah, lx. 11), and no day passes in which the voice of Prayer and Praise is not lifted up in them. We have seen with our own eyes churches on the continent filled with worshippers before day-break, and the sight is not unusual of churchyards as well as churches in the country thronged with persons in the attitude of prayer, eager to catch, if possible, a distant glimpse of the sacred Interior, or to perform their devotions under the shadow at least, if not within the walls, of the consecrated Fabric. We are informed too that in some parts of England, and for aught we know very generally, there are good congregations in dissenting chapels as early as six in the morning. All this is surely very humbling to ourselves; among whom, except on one or two special days, which, for very shame, professing Christians cannot wholly neglect, the Church ordinarily appears but once a week; while, on the remaining six days,

the world seems every thing. Even our Scotch neighbours have so far the advantage of us in the matter of visible religion, that they observe one day more strictly than we, as a nation, can be said to observe any. Who, judging from appearances, could suppose that we of the Church of England had a Form of Daily Morning and Evening Service; special Services for all Festivals; that we were ordered to keep a Fast once a week, besides the Vigils of Festivals, Ember and Rogation Days? Let us, then, first observe things appointed, as distinct from those merely implied or allowed. Let Daily Service and the keeping of Holydays become universal. Let us open our churches every day, taking care to render them, where we have the power, meet from their internal structure and arrangements, to assist the devotions of the worshippers. Let the prayers of the Church go up, day by day, for a world which will not pray for itself. The Saints and Angels will be with us at all events; and the Church, if she witness faithfully to her Lord, will always gain all who are to be gained. The Truth is in itself to them that have eyes for it so beautiful, that, without adventitious aid, or impatient effort, or circuitous device, it will be sure to excite "wondrous affection" in all who are worthy of it. If men do not feel the blessedness of constant and united Prayer in words which have helped the Faithful for ages to their rest; if they desire not to be called periodically from the cares of this world and the deceitfulness of riches, to the contemplation of the world invisible; if they be not the better for having the Examples of holy men and holy women put before them with the most engaging sweetness of appeal, and under the most complex diversity of aspect; if, in short, they know not, nor can be made to feel, what it is to have Heaven brought down to earth; to live in the presence, and share the sympathies, of those whose intercessions are of much avail; in vain were it for them that one should arise from the dead. It is to us really quite marvellous how serious persons can bring themselves, of themselves, to dispense with such aids and consolations, as a compliance with the Church system in all its fulness is fitted to supply. However let us not be discouraged; the Holy Cause is advancing the more surely because gradually and silently. The leaven is working, though (as was foretold) with "hidden" influence. Witness is being borne to the one true Church, often by open avowal, still oftener by tacit admission. Very few indeed are they, who having once thrown themselves, heart and soul, into her Divine System, can afterwards bring themselves to renounce it. On the other hand, they that follow the Sectarian way are constantly adopting the Church's holy provisions, without acknowledging the benefit; exhibiting her Divine features, as it were, in caricature

Thus they form (as we are told) plans for simultaneous and sympathetic Prayer, forgetting that such is the very end of the Daily Service; they contend for the Extempore method, and insensibly run into forms, which have none of the advantages of deliberate and uniform Prayer, and are open to all the objections which themselves make to it; the keeping of Days is an abomination to them; yet the Day, of which the Gospel really has modified the observance, they keep with a truly Jewish strictness, the while they talk loudly of the freedom and the spirituality of the Gospel. We have also heard of a curious testimony from adversaries to the beauty and value of some of the more uncommon parts of the Catholic system; such as the religious observance of Eves. The Wesleyans, as we are informed, have in some places, a late service on New Year's Eve. Now New Year's Day, as it is called, differs not, in a Catholic point of view, from any other ordinary Festival; though, as the beginning of the world's year, it is connected in our minds with associations of which religious persons, not especially Catholic, are apt, and rightly enough, to take advantage. Thus the notion of these Wesleyans is quite Catholic, though by accident; their application of it, however, is not so; they usher in the New Year, as is well, religiously; but have no such special Service on Christmas Eve, when the Catholic world, theoretically speaking, is hymning the Approach of the Redeemer. There are a great many "almost" Catholics in the world; but, except men bow to the Church, they never get *at* the Truth, however nearly they may approach it. They get near enough to attest its excellence; not near enough to realize its blessedness to themselves. They take up but isolated portions of it, and those but imperfectly. Their misses are as good as miles.

Do we then blame all these Sectarian mistakes? Nay, we much rather commend the purpose than condemn the mode. The blame is in all cases shared, in some, we fear, monopolized, by ourselves. If we will not point out the true way to holiness, of course earnest men will seek it by uneven and tortuous paths. What we have to show is, that it is possible to be Catholic without being Roman, and impossible to be Evangelical without being Catholic.

We pass from our Church's provisions to her implications, among which the writer of the Essay under review mentions Weekly Communion, and Turning to the East. The juxta-position of these two Ancient Practices reminds us how things of most unequal value may yet be developments of the same great Principle. This is much to be observed. Utilitarianism is a canker eating into our whole system, religious as well as political. Serious men see, or think they see, the *use* of the Blessed Ordinance of the Eu-

charist; and for this reason, as well perhaps as on account of its partaking, more than some other Church practices, of an exciting character, they seem more ready to adopt Frequent Communion than any other parts of the Catholic system. But surely this Practice is part of a great whole; which, inestimable in its proper place, may be even dangerous without its due, and as we may say, corrective, accompaniments. Catholicism is a system of counterpoises and adjustments. Thus the appointment of the Daily Service and that of Frequent Communion, act mutually upon each other. Prayer seems to lack the comfort of the Holy Sacrament, while, without stated and self-denying Prayer, that comfort were premature or delusive. By the way, while on this subject, let us mention, in the hope of its meeting the eye of the proper authorities, that more than one person of our acquaintance has been refused the Holy Communion at St. Paul's Cathedral, where there is profession of administering it weekly, upon the plea of insufficient number, although there is in that cathedral, as in others, a large establishment of Clergy who are bound by the Rubric of our own Church to "receive the Communion every week," no reasonable cause interfering.

As to Turning to the East in Prayer, it is one of the things in which many persons "see no use;" and a form, without *apparent* use, is esteemed of the very essence of Popery. Now we suspect, on the contrary, that it is in their tendency to look to mere visible effects that Popery and Protestantism both differ from the true Catholic way, which is to do "right" (as we have heard it ingeniously said) rather than to do "good." Right is ascertainable by man; but results are in the hands of God. There is no doubt that Turning to the East in Prayer was an ancient Practice, and therefore, we conclude, a right one; and though it have no apparent *use*, it has, what of old was esteemed far more important, a *meaning*. It would be vain to speak, in this matter-of-fact age, of the East being the direction of the Holy Land; or, again, the quarter of the rising sun, which is emblematic of the "Sun of Righteousness;" or, again, of the Altar in a Christian church being, as has been said, holier, if that may be, than even the Holy of Holies in the Jewish Temple. Truly the modern fashion of delivering prayers to the people, instead of interceding for the people with God, is very characteristic of our national habits and tendencies. It is certainly a most perverse and painful arrangement, common in English churches, which leaves no power to the person officiating of varying his attitude with the several portions of the Service. Prayer, Praise, Exhortation, Instruction, Benediction, all are to be performed, according to the usual arrangement, in the same position; whereas it looks like a truism

to say that in some of these Almighty God is addressed, and in some, the people; and surely it is at least as irregular to pray towards the congregation, as it would be to exhort towards the Altar. The Rubric of our Communion Service points out this distinction between the attitudes in public ministration, and so it is, we conceive, implied elsewhere. Also where it is said "he that readeth (the lessons) shall so stand and *turn himself* as he may best be heard," it seems to be intimated that "being heard" (of men) is not, as many think, the *first* object in *prayer*. But indeed such a distinction is so plainly a matter of reason, that, if not forbidden, it must be understood to be intended; and this remark we would apply in all similar cases. These and such like Protestant irregularities and negligences tend, beyond description, to destroy all *reality* in religious Worship. Why, when we enter a church, are we to leave all our common sense behind us? Why, above all, put upon the Most High neglects (to say the least) which we should be ashamed of in the presence of an earthly Sovereign? So much care, we may be sure, would never have been employed to secure the due solemnities of Divine Worship under the Old Dispensation, were such things wrong in themselves, or even, as so many say, immaterial. The Order of the Christian Church, like that of the Jewish, is divinely framed for men as they are. Our merciful Creator has never put upon His reasonable creatures so hard a trial as that of being religious without the intervention of sensible impressions. Our nature is not all spirit, but body and spirit together; and the body, like the soul, is capable of noble uses. The senses were not given us for nothing; and surely they will be much worse than good for nothing if we do not seize upon them, and apply them to Divine purposes. We had not been bidden to "use" the external world, were it capable, as some appear to think, of nothing but "abuse." How much does it look like a preference of self to God, unconscious it may be, yet not the less real, when churches are poorly appointed, while all the treasures of Nature, and contrivances of Art, are lavished upon private dwelling houses! To make the objects of sense an end, is to idolize: this is what the Jews did, and what the Roman Church is accused of; but the whole Mosaic Œconomy, to which we Christians, in default of explicit instructions under the Gospel, must turn for guidance, presumes the instrumentality of the Visible to the purposes of the Invisible. And the same appointment is signified under the Gospel also; first, if it may be said reverently, in the Incarnation; and next, in the Church Catholic, the earthly Tabernacle of the Holy Spirit. The whole Catholic system is, in a word, sacramental; whereas the Protestant (considered as the mere negation of Catholicism) is to

mount to heaven at once; and we confess we do not see in what this latter principle can consistently issue but in a denial of the Sacraments themselves. Our own Church manifestly disclaims it everywhere. But as the Sacramental Idea, both in its original and highest form, and in all its remoter expansions, is plainly unsuited altogether to the temper of a commercial and rationalizing age, it is the more important that the Church should assert her place in the world as the "Visible" type of the Invisible.

The rule, Segnius irritant animos, &c. is founded in a true knowledge of human nature, and is, of course, most strikingly exemplified in the intense and cleaving power of dramatic representations. It is, we suspect, a very right and pure state of mind which is impressed by these, considered merely in themselves; their effect upon children (whose minds are images of the true) is complete, but weakens as we recede from the years of a perfect simplicity. It is well known what use the Church of Rome makes of the dramatic principle; it is common to say of her that she is "theatrical," which is an illsounding word, but attests a fact. Some of her applications of this theory sound shocking to our ears; as, for instance, the scenic accompaniments of the Service in some churches on Good Friday. We suspect that the application of this principle becomes wrong, and of course if wrong at all, fearfully so, when it passes from the symbolical to the literal. The extinction of the lights on the Thursday in Holy Week, we can conceive perfectly solemn and impressive; while the representation of the Crucifixion, which is said to take place at Rome on Good Friday, sounds simply profane; though we do not doubt its effect upon many minds, especially in that southern climate.

We are for carrying out the symbolical principle in our own Church to the utmost extent which is consistent with the duty of obedience to the Rubric. It is quite certain that the first Reformers had no objection to those points of External Religion which were afterwards made matter of cavil by the Puritans. They made no decisive innovations in these respects, whether as regarded the use of the Cross, the arrangements and decorations of churches, church music, or ecclesiastical vestments. They altered only where changes of doctrine made it necessary; as, for instance, in Edward's Injunctions, it is bidden that lights which had previously burned before images should be confined to the Altar. We shall conclude with a few suggestions bearing upon this subject; in which we wish to speak of what seems desirable, rather than speedily or in all places practicable. The utmost allowance is to be made for scruples grounded upon habit and association. Many of the things of which we are about to speak, we certainly

consider important, but we do not wish them attempted, or at least persevered in, at the risk of Christian peace and unity.

The use of the Cross both as a sacramental Sign, and as a Memorial to the eyes of the Faithful, so far from being forbidden, is even implied, in our Church. In enjoining the practice of crossing in baptism, she has for ever disengaged herself from the modern view, which esteems the use of this holy Symbol, a superstition. We are no advocates of the Crucifix; at all events in the open way in which it is commonly exhibited abroad. Even pictures of the same solemn Subject strike us as bordering upon the irreverent, and should at least be always veiled. And we would not hazard an unqualified objection even against the Crucifix as an object for *very* private contemplation under certain trying circumstances; say, for instance, a surgical operation. But, as a general rule, sculpture is more objectionable than painting, as it is more exact. The Crucifix, openly exhibited, produces the same sort of uncomfortable feeling with certain Protestant exposures in preaching of the Mystery which it represents. But the mere Cross embodies what no Christian should shrink from contemplating; while, of the awful Mystery therewith connected, it is but suggestive. The language of some of the foreign Reformers concerning this sacred Symbol is too shocking to repeat. Alas! how have the lax notions of mere Protestantism grown up with the dishonour done to the material Cross! Out of sight, they say, out of mind. We hope the time will come, when no English church will want, what many possess already, the Image of the Cross in some place sufficiently conspicuous to assist the devotions of the worshipper. It still surmounts our great metropolitan cathedral, reminding us that our Lord has not yet forsaken us. It still graces our Sovereign's crown, teaching both her and us, that we are all subjects of the same Spiritual Kingdom. Let us multiply the same holy, efficacious, Emblem far and wide. There is no saying how many sins its awful Form might scare, how many evils avert. At a church lately refitted in ——shire, there is a small red Cross in one of the painted windows. An old woman of the Wesleyan connexion, the first time she came out of the church after the repairs, was asked by a neighbour what she thought of it. She dwelt, in reply, with evident delight, upon "that little Cross in the window." This anecdote, for the substantial accuracy of which we vouch, seems to bear out what we have been saying about the true way of obviating Dissent.

With the Cross should be associated other Catholic Symbols still more than even itself *φωνᾶντα συνέτοις*. For these, painted windows seem to furnish a suitable place. They should at all

events be confined to the most sacred portion of the building. Such are the Lamb with the standard; the descending Dove; the Anchor; the Triangle; the Pelican; the Ἰχθύς, and others. Perhaps the two or three last mentioned, as being of most recondite meaning, should be adopted later than the rest.

Great use should be made of the variety which our Prayer Book allows, with respect not merely (where practicable) to the attitude of the officiating Minister, but to the services themselves. The Exhortation, Absolution, Lessons, and benedictory and invitatory Addresses, should be said, of course, towards the people; the Prayers towards the Altar; the Psalms and Hymns intermediately; excepting the latter part of the Te Deum (from Te ergo quæsumus), which, being precatory, is most fitly repeated, according to ancient usage, towards the Altar. Where option is given in our Ritual, the Service should be varied according to circumstances. Thus, the *more* penitential of the Introductory Sentences should be used on Fast Days, and the verse St. Matt. iii. 2, during Advent. At the same Season also, and during Lent, or rather from Septuagesima Sunday, the Benedicite omnia opera should be substituted for the Te Deum, which the Catholic Church has ever judged unfit for times of humiliation. On the other hand, the Te Deum should be scrupulously used on Festivals. During Lent, churches should be clad, according to ancient practice in this country, in mourning; purple coverings are most proper. During the same Season, the Altar should be stripped of its ornaments, and, if possible, some distinction should be made in this respect between the Holy Week and the rest of Lent, as well as between Good Friday and the rest of the Holy Week. On the contrary, there should be some special decoration on Festival Days; altar coverings and pulpit hangings of unusual richness; or the natural flowers of the season woven into wreaths, or placed (according to primitive custom) upon the Altar. These should be chosen with especial reference to the subject of the Festival. White flowers are most proper on the days consecrated to the Blessed Virgin, as emblematic of sinless purity; purple or crimson on the several Saints-days (except St. John Evangelist, and perhaps St. Luke), to signify the blood of Martyrdom; and on All Saints' Day and the Holy Innocents, white should be intermingled, as a memorial of virgin innocence. We deprecate forced flowers, which look artificial; but we believe with a little management natural flowers of the proper colours may be found nearly throughout the year. It is difficult to conceive a more suitable occupation for the Christian poor, than that of cultivating flowers for such a purpose, and afterwards arranging them. The decoration of the chancel, however, should be the especial privilege of the Minister himself.

The church bells should, according to Archbishop Laud's Injunctions, be rung on Festivals and their Eves. Two lights should be placed upon the Altar according to Edward VI.'s order, ratified in our present Prayer Book. We think it plain that these candles were meant at the Reformation to be lighted, as had been usual, during the celebration of the holy Eucharist; otherwise they do not so well "signify" (in the words of the Injunction) the truth—Christus Lux mundi. But such practice might give offence in these days, and we do not advise it, though inclined to regard it as strictly Anglican. For the same reason we should be unwilling to press sudden changes in the ecclesiastical dress, though it is plain that these also might be reconciled with the order in our Prayer Book, which directs us to Edward VI.'s time for the practice of our Church as respects both vestments and ornaments. Persons should be encouraged to make obeisance on entering church, and the Minister should never approach, or pass, the Altar without doing reverence, as is customary at this day in some of our cathedrals. We think it quite consistent with the Rubric of our Church to consecrate the Holy Elements at the centre of the Altar and facing it. We should like to see all alms offered at the Altar, and in a kneeling posture. At least, the alms, and oblations of Bread and Wine, should be so offered; and the remnants after Consecration should be received likewise kneeling.

If to any one some of these suggestions should seem trivial, let us remind that care about minutiæ is the peculiar mark of an intense and reverent affection. Nobler task there can be none for a rational being than that of providing, with the most punctilious exactness, for the due celebration of the Creator's honour; nor any worthier dedication of the offerings of nature and the devices of art, all alike His gift, than in the seemly adorning of His earthly dwelling-place. At the same time we desire nothing less than that matters like these should be taken up without constant reference to "weightier" things; that were, indeed, to begin at the wrong end; nay, we would go farther, and say that there is something quite revolting in the idea of dealing with the subject of External Religion as a matter of mere taste. It is far too intimately allied with all that is high and awful, to admit of being approached lightly, or even unguardedly discussed. We are far from insensible to the danger to which the Clergy are especially exposed, of speaking about the circumstantials of their Office in a mere business-like, and even flippant, tone; constant proximity to sacred things being adverse to a just impression of their awfulness. The corrective of this tendency is to be found in a studious Reserve, which is not more certainly the consequence of duly realiz-

ing holy truths to the mind, than it is the means of preserving such sense of their reality.

The "Ecclesiastical Almanack," of which the number for the present year is noticed at the head of this article, will furnish much valuable aid to those who are desirous of supplying what is incomplete, and interpreting what is obscure, in the Rubric of our own Church from the rules and practice of the Church Universal. All who wish to regard our Church as Catholic, rather than Protestant, or National, will rejoice in every attempt to remind us of the points in which we agree, rather than disagree, with our brethren of the Church abroad. In this light we feel sure that the "Ecclesiastical Almanack" will much subserve the ends of a true Christian charity. On the other hand, the editors appear to us to have adhered to the Rubric of our own Church with what we are disposed to call an over-scrupulous exactness. As a proof of this, we may mention that they have printed the names of the State holydays in the same type with those of the Church Festivals. We should have preferred some distinction; or at all events a note explaining the important difference between the grounds upon which some at least of these celebrations rest. We own we do not like to see "Holy Thursday" and the "Birth and Restoration of King Charles II.," which fall, this year, on successive days, put, to all appearance, upon a level. Again, we are by no means sure that we go along with the editors in their interpretation of our Church's rule concerning the use of the Festival Collect on the evening before. The case is not clear, it must be confessed; but we should be inclined to give the doubt in favour of the Catholic practice. The editors say—"our Rubric limits the reading of the Festival Collect on the evening before to the case of Festivals that have Vigils." It seems so to do certainly; the words are—"the Collect appointed for any Holyday that hath a Vigil or Eve." We suppose the editors consider the word "Eve" a mere interpretation of "Vigil;" but about this we have our doubts; 1st, because elsewhere the word Vigil is explained to mean *fast day;* 2d, because the expression "Christmas Eve," in the rule about the Advent Collect, plainly means not the *vigil* of the Nativity (otherwise the Advent Collect should be omitted in the *morning* as well as evening of December 24) but the *evening* before it; 3d, because New Year's *Eve* must mean the *evening before* the Feast of the Circumcision, which has no *vigil*. What Collect is to be read in the Evening Service of December 31 Clearly, we think, from our Rubric, the Collect of the Circumcision. But if so, then it is not the fact that "our Rubric limits the reading of the Festival Collect on the evening before to the case of Festivals that have Vigils."

But this is a small matter, and if it be an error, is one on the side of scrupulousness. The Almanack will, we think, be found very valuable to the Clergy, who are often left in doubt by a want of explicitness in our own Rubric. By the way we would suggest to the editors to specify in the Almanack for next year, what Collect is to be read on the days intervening between the Epiphany, and again Ascension-day, and the succeeding Sundays. The latter case is perhaps clear, as the Ascension is in our Church a Feast with an Octave. But Clergy may, we think, reasonably doubt, in the former case, between the Collect for the Epiphany and that of the preceding Sunday, though we prefer the former. This Almanack distinguishes between the Festivals which our Church makes obligatory upon all her members, and those which she merely offers to the observance of such as aim at the highest standard. Brief accounts of the subjects of each Day's celebration are added, and a selection, from the old Catholic Service books, of Psalms and other passages of Holy Scripture appropriate to the several classes of Saints Days. In the number for the present year, the distinction between Days of Fasting and Abstinence is also pointed out, and the minute rules of the Roman Church are quoted as a guide to individuals. There are likewise some valuable remarks upon the occurrence of Festivals on the same day, an emergency for which our Church has made scarcely any provision, but which in the Church Universal is met in three several ways: 1. by omission; 2. by translation; 3. by commemoration. From the use of either of the former methods we are precluded; but commemoration we can adopt by reading the Collect of the day after that of the Festival, where the Festival takes the precedence. And this opens to us a very beautiful feature in the Catholic system; we mean the classification of Sundays and other Festivals. The following sketch will give an idea of the principle upon which this classification is made, and the rules respecting contemporaneous occurrence arising out of it. In the Roman ritual, the following Sundays are placed in the first class, viz. Easter, Whitsunday, Trinity Sunday; the First, Fifth and Sixth in Lent, the First in Advent, and the First after Easter. The highest class of *Festivals* consists of all those in honour of our Blessed Lord (except the Circumcision), the Nativity of St. John Baptist, the Feast of St. Peter and St. Paul, and All Saints' Day. To these are added the Festivals commemorative of the dedication of the particular church and of the Patron Saint. In the next class come the days in honour of the Blessed Virgin, the Circumcision, and all the remaining days publicly celebrated in our Church, excepting those of St. Barnabas and the Conversion of St. Paul, which occupy a lower place. Such

being the classification, the following are the rules: 1. If a Festival occur on the same day with a Sunday of the first class, the Sunday is observed, the Festival is transferred. 2. If a Festival *of the first class* occur on the same day with a Sunday of the *second class*, or with a common Sunday, the Festival takes precedence, with commemoration of the Sunday. 3. If a Festival *of the second* or *third class* occur with a Sunday of the *second class*, the Festival is transferred; if with a common Sunday, it is observed, with commemoration of the Sunday.

This abstract gives an idea, and that is all, of the system of classification adopted in the Breviary, and serves at least to show how much there is of deep meaning and orderly arrangement in the Ancient Ritual. The editors of the Ecclesiastical Almanack will do good service if in the number of next year, or in any other way more convenient, they will give their readers some farther insight into this interesting subject. It is refreshing to be told of all the profound thought and patient care bestowed by men of old upon the Services of the Church, as well as to be reminded that the august "City of our solemnities," the Church in which we worship and through which we live, is no flimsy fabric of yesterday, but a building of old and strong foundations; to feel that we, of this time in England, are using the same Prayers and keeping the same Holy Days with the generations of Saints gone by, and with the members of the same blessed Family dispersed throughout the whole world. And true though it be that it is hard for our Church, in her present state of depression and embarrassment, to realize all her privileges and to assert her true place among the nations, yet let us be thankful that, though in a garb of sackcloth, she is still "glorious *within*." And what though the world insultingly trample upon her, and her "treacherous sister" for comfort bestow on her reproaches, taunting her with her misfortunes, and seeming even to exult in them? Let her look forward in humble confidence to brighter days. She has been a sickly and drooping Vine: but she is beginning to revive, and put forth her branches; "datura *nepotibus* umbram." In the words of a Promise, which as yet, we trust, she has done nothing to forfeit; "*The sons* of them that afflict thee shall come bending unto thee; and all they that despised thee shall bow themselves down at the soles of thy feet, and they shall call thee the City of the Lord, the Zion of the Holy One of Israel. Whereas thou hast been forsaken and hated, so that no man went through thee, I will make thee an eternal excellency, a joy of many generations."

ART. II.—1. *Some Observations on the Dangerous Principles and Tendency of the Tithe Act, in a Letter to George Palmer, Esq., M. P., by one of his clerical Constituents.* Rivingtons: 1838.

2. *The Principles of Mr. Shaw Lefevre's Parochial Assessments Bill and the Tithe Commutation Act compared; in a Letter to the Rev. Richard Jones, M. A., one of the Tithe Commissioners for England and Wales.* By the Rev. Charles Miller, M. A., Vicar of Harlow. Rivingtons: 1839.

3. *The Acts for the Commutation of Tithes in England and Wales,* (6 & 7 *W.* 4, *c.* 71; 1 *Vict. c.* 69; 1 & 2 *Vict. c.* 64; *and* 2 & 3 *Vict. c.* 62,) *&c.* By John Meadows White, Esq., Solicitor to the Tithe Commissioners for England and Wales. Fellowes: 1838—1839.

SINCE this nation has been released from the occupation of foreign war, it has occupied itself in re-modelling all its civil institutions. Of late years we have been in a state of pacific revolution; and perhaps in no measure has the common spirit of our age more clearly appeared, than it has in the recent Act for the Commutation of Tithes in England and Wales. By this act a resolution of the Long Parliament* has been carried out. In lieu of the tithes of their increase heretofore paid by the parishioners, which for nearly a thousand years had been the established provision of the English clergy, a fixed corn-rent charged upon the land has been substituted; and this great change has been effected with the acquiescence of the friends of the Church; the agriculturists, whom it was intended to benefit, alone exclaiming against it.†

* Commons Journals, 29th April, 1652.

† See Resolutions of the General Committee of the Central Agricultural Society, 18th March, 1836:—

"1. That tithes are an uncertain and contingent profit, depending upon the capital and industry, and even upon the will of the occupier, inasmuch as he may keep the land in a highly productive state, or may so use it as to make it produce no matters liable to tithes, or may leave it wholly waste and uncultivated; and that tithes are not a charge or a *lien* upon the land, but a mere *personal* demand upon the occupier.

"2. That nevertheless the principle of the bill, which is to establish a perpetual commutation founded upon the average value of the tithes payable for seven years past, very erroneously and unwarrantably assumes, that the owners are for ever bound to make the land yield, for the benefit of the tithe-holder, the same quantity of tithe-able produce which it has yielded to the occupier for the last seven years, and converts a temporary and contingent profit, resulting from the capital and skill of the cultivation of the land, into a perpetual charge upon the land itself.

"3. That although the conversion of a tax upon the capital of the occupier into a tax upon the land itself, and the consequent transfer of the burden of tithes from the occupier to the owner, seem necessarily to imply, that a reasonable proportion of the net annual value of the land to be let, would be the fair and just principle for a commutation of tithes; yet the bill, nevertheless, charges upon the landowner, for ever, the value of the tenth of the gross produce of the land for seven years past.

The author of the able letters which furnish the subject of this article has strongly set before the public his objections to the

"4. That this committee is of opinion, that any change of the nature of a title to tithes by fixing them as rent-charge upon the land itself, without any consideration for the incalculable advantage to be derived by the tithe-holder from an exchange of an uncertain and precarious income, depending on *personal* security, for a certain income, founded on the best and most eligible of all *real* securities, would be a violation of the rights of private property in land, unexampled in the history of legislation.

"5. That the imposition of a perpetual rent-charge, to be estimated by the former production of the land, will be attended with the most ruinous consequences to the land-owners, and especially in those numerous cases, in which, owing to the depressed state of agriculture, highly cultivated lands have been, and must shortly be, thrown out of cultivation, or deteriorated in culture and value; but the bill makes no provision for the change of culture in any lands, except the very remarkable and unaccountable proviso in favour of hop-grounds, which may cease to be cultivated as hop-grounds; although gardens, orchards, and all other cultivated lands, are equally entitled to the benefit of a similar proviso.

"6. That it appears to this committee, that the per centage deductions professed to be allowed by the bill *in cases of compositions*, subject to the power given to the tithe-holder to demand a valuation of the tithes in kind, without any deduction for the expenses of collection, or otherwise, are, if intended as a bonus, nominal and illusory; the produce of such lands having been in most instances, very greatly increased, and in many cases wholly *created* by capital expended upon the faith of an actual exemption from tithes, by means of such compositions.

"7. That this committee is of opinion, that it is contrary to the principle of equal justice to give the landlord's remedy by distress and entry to the tithe-holder, and to leave to the landlord the tithe-holders' mere personal remedy against the lessee or tenant of the land; and that the power of distress and entry, so given to the tithe-holders, will materially interfere with the landlord's remedy for recovery of rent, and his right of property and sole dominion over the land; and that such conversion of land-owners into tithe-holders will be peculiarly oppressive to those religious communities and persons, who, as in the case of Quakers, are prevented by religious and conscientious scruples from becoming the holders of tithes.

"8. That the bill, contrary to all legislative precedents, contains no provision for the protection of exemptions from tithes; from which it may be reasonably inferred, that it is intended to destroy, or subject to a severe and partial inquisition, all moduses and discharges from tithes throughout the kingdom.

"9. That the following, amongst other provisions of the bill, appear to this committee to be highly objectionable, viz., the appointment of tithe commissioners and valuers, in the choosing of whom the land-owners have no voice, and who may be possessed of no competent local knowledge, the power given to the tithe-holder to force a commutation upon the land-owner; the clause which enables the owner of three-fourths of the land (who is himself frequently the holder of the tithes) to make an agreement to bind the remaining land-owners; and the half-yearly payment of a rent-charge for tithes (which are only payable annually), without any deduction on account of such half-yearly payment.

"10. That this committee, after a full examination and consideration of the principle and provisions of the Commutation Bill now before the House of Commons, is clearly of opinion, that it would greatly augment the annual value of tithes, and in numerous cases nearly double the value of tithe property; and that even the existing tithe system, unjust and vexatious as it is, is preferable to that which would be established if the bill were to pass into a law.

"11. That very great encroachments have been made in modern times upon the rights of tithe payers, by overturning moduses and exceptions from tithes which had been enjoyed for many generations.

"12. That a just and equitable revision of the law of tithes ought to precede or accompany any legislative enactment for the commutation of tithes.

"13. That the bill lately brought into Parliament by the Noble Lord, the Secretary

commutation. In the letter to Mr. Palmer, expressing regret that he had not protested against it before, and repugnance from scruples of conscience to aid in carrying it into execution, he contends that the tithe act is *inexpedient—unjust*—and *irreligious*. In the letter to Mr. Jones he follows up that argument; showing that Mr. Jones's objections to the Parochial Assessments Bill, might be equally urged against the Tithe Act, and therefore charging him with inconsistency in calling the latter "a fair and wise measure."

To prove that the commutation of tithes is *inexpedient*, Mr. Miller commences with an objection which was urged by the late Mr. Cobbett to the similar system of tiends in Scotland:—

"Under the old system, the income of the clergy, so far as property was concerned, rose and fell with the times. Under the new system this will not be the case: there will be a constant change in the annual payments, and these will not be regulated by the value of the crops, or the prices of the times; for notwithstanding the proposed arrangement of taking the average fresh every year, there will still be the anomaly of a charge being laid upon the agriculturist, not with reference to his present crops, or present prices, but with reference to the average prices for the last seven years. This will be extremely unfair to the farmer, when prices sink rapidly, and continue in that state; and extremely unjust to the clergyman, when they rise in the same proportion. But this observation will apply still more strongly to vicarial tithes, and in those parishes and in those farms which are chiefly composed of pasture lands. The average prices of wheat, barley, and oats, for seven preceding years, may stand high in a year which is disastrous to the grazier; and, by consequence, the rent-charge will bear no proportion to the value of the produce of the grazier's farm."—*Letter to Mr. Palmer*, p. 5.

"Again," he observes, "as the case now stands, lands are liable to pay tithes according to their state of cultivation; the greater the crop, the greater the tithe. But under the new system, as the rent-charge will be fixed, mainly, with reference to the present state of cultivation, and as lands change their tenants, and the system of farming is changed, in course of time the rent-charge will press more hardly upon one farm than another. Lands now in a high state of cultivation, in some places at least, through the negligence of tenants, or from other causes, will become impoverished, and *vice versâ*. We shall, therefore, have the anomaly of a farm in a bad state of cultivation, paying a high rent-charge, whilst the neighbouring farm, perhaps, will be richly cultivated, and subject to a low rent-charge."—*Ibid.* p. 6.

Besides which, whether from one person being more vigilant

of State for the Home Department, for the commutations of tithes, is vicious in principle, inadequate in its provisions for the object which it professes to contemplate, and would, if carried into a law, be productive of serious injury to the best interest of the country."

The bill was afterwards modified so as to obviate some of these objections; but the chief of them might be urged against the principles of the act.

than another, or other causes, the rent-charge will often be apportioned unequally between the tithe-payers, and complaints will arise on the inequality being perpetuated. "The Commissioners," writes Mr. White, "have been distinctly advised by the law officers of the crown, that when a parochial agreement (and the same principle is equally applicable to an award,) has once been confirmed by them, they possess no power to amend, vary, or annul its provisions, even though it should be clearly shown to have been made upon an erroneous supposition of the rights of the parties, and to have included interests which it ought not, or to have omitted others which it ought to have included. Thus, for example, several such cases have occurred, and agreements have been confirmed which have omitted to assign any rent-charge to a separate tithe-owner in the parish, or have improperly or inadvertently fixed a rent-charge on tithe-free land."* Under the recent act (2 & 3 Vict. c. 62, s. 28) the agreements and awards may in certain cases be amended by the commissioners at any time before their confirmation of the apportionment. But after such confirmation, no error can be amended without an act of parliament; whence inequalities and errors will be perpetuated which the tithe system would have presently corrected.

Another objection to the commutation is the difficulty it occasions in the transfer of land. Under the tithe system every parishioner was charged only in respect of his own produce; and one person could never become liable for another's arrears. Such, to some extent, may still be the case where, by *special* apportionment, the land is charged at an *acreable* rate; but even in this case an incoming tenant may be charged for his predecessor's arrears. And where certain land is charged in gross with a certain rent, every part of the land will be chargeable with the rent charge laid on the whole; and after severance, unless there is new apportionment, one may be distrained upon for another's arrears. A new apportionment, which must be made by three commissioners of the land tax and two justices, will be troublesome and expensive to the land-owner, and the renter's only security is the condition, subject to doubt and not easily enforced, that the rent shall not be charged upon land of less than three times its value.†

The objection that the tithe system injured the land-holders has often been refuted. It is clear that the landlord in purchasing, and the farmer in renting, paid so much less purchase-money or rent for titheable land; the farmer had an advantage in pleading the demands of tithe owner and landlord against each other; and could not complain of paying tithe of produce arising from capital

* Act for the Commutation of Tithes, 2 & 3 Vict. c. 62, p. 26.

† Letter to Mr. Jones, p. 7.

which he had voluntarily laid out. But the popular objection, that the tithe system discouraged agriculture, deserves notice. Even in theory this could not have been the case, except where the *whole* of the increased produce would have remunerated the farmer, but *nine-tenths* of it would not; nor where the farmer was subject to a fixed composition; nor where tithe-owner and farmer both consulted their own interests, or treated in a proper spirit. Barren land brought into cultivation was exempt from tithe for the first seven years; and the whole argument is demolished by the facts that tithed land was generally as well cultivated as tithe-free land, and that the increase of our agricultural produce had even outstripped the increase of our population.

Again, it has been said, that the tithe system outraged the possessory feelings of mankind; the *ipsa corpora* of the tithes, and the tithe proctors within our fields creating an intolerable annoyance.* On this ground Dr. Chalmers warmly advocated a fair and right commutation of tithes, especially into land; and the opinion of so able and eloquent a writer, though belonging to titheless Scotland, demands attention. But it is the *wrongful* interference with what we possess *as our own*, that irritates the possessory feeling, and *not the rightful interference of the owner with what we hold in trust for another.* The landholder knew that the tithe-owner was entitled to a tenth as he was himself to the remainder of the produce; and they never quarrelled about tithes but when forgetting the right principle of their payment; or neglecting the reciprocal duties of which such payment should have reminded them. The divine sanction of the tithe system amongst the Jews alone proves it not contrary to our nature;† though Dr. Chalmers, with strange temerity, forgetting the sins of that rebellious people, asserts that it could scarcely be maintained amongst them, even by the divine sanction. Supposing however that the tithe system was really contrary to the possessory feeling; will not the same objection occur to the system of a rent-charge on land? Will the acts of distress and entry for recovering the rent-charge make the clergyman popular with his parishioners; and will not the presence of his bailiff and attorney with their *ipsa corpora* (perhaps distraining for another's arrears‡)

* Bridgewater Treatises—Chalmers—1833.

† "Primum ergo ostendit lex Hebræa, id quod eâ lege præcipitur non esse contra jus naturæ. Nam cum jus naturæ, ut ante diximus, sit perpetuum et immutabile, non potest a Deo, qui injustus nunquam est, quicquam adversus id jus præcipi."—Grotius, De Jure Bell. et Pacis, i. 1, 17.

‡ Either on severance of land charged between two owners, or in the case of an incoming tenant. Where land charged under an Inclosure Act with rent instead of tithes was uncultivated for five years, it was adjudged that the vicar might distrain on the incoming tenant for the arrears of the rent.—*Newling* v. *Pearse*, 1 B. & C. 457.

rather interfere with their possessory feelings? And, as for land,—the operation of the possessory feeling, in tenants of Church lands, to deprive the Church of their full value, is notorious. Strange to say—this furnishes the only instance of the force of that principle, which Dr. Chalmers quotes.

The objection that the tithe system is unpopular is thus disposed of by Mr. Miller:—

"It has been further said, that the tithe system is unpopular. But so are taxes, so are rates: so are *rents*, and so will be *rent-charges*. Let me however answer this objection in the words of Sir Robert Inglis, respecting Church Rates, 'I contend that they (Church rates) form a portion of the estates of the Church, and that she holds them by tenure which is older than that which secures the title of any other property whatever. . . .' The first position which my honourable friend has taken, is on the popular dislike to Church-rates; but does not that resolve itself into this proposition, resist the law and it will be repealed. Unless we are prepared strictly to maintain the law I will venture to say, that this principle will be carried out until the next thing will be a demand to be relieved from the payment of rents upon the same ground of conscientious scruple.'"—*Letter to Mr. Jones*, p. 26.

Mr. Miller predicts that the Tithe Act, making the tithe-rent in all cases chargeable with the parish rates, concerning which there was seldom any question between the clergyman and his parishioners under the tithe system, will produce more disputes between them than have hitherto arisen about tithes; having already, according to Mr. Jones, *covered his table with letters from the clergy*, and, in the words of Mr. Philpotts, *roused a spirit of agitation which every friend of the Church must deplore.* And he well observes, that to produce real and lasting harmony between the land-owner and the clergyman a more laborious process is required than to pass an act of parliament. The laity must remember the national advantage of an efficient clergy, the duty incumbent on all men of honouring God with their substance, and the title of those "who preach the Gospel to live of the Gospel." The clergy must seek, with the pious George Herbert, to render to God what they receive from God, dedicating themselves and all that belongs to them continually to His holy service; as trustees for the purposes of the Church, especially for the spiritual welfare of their parishioners; the provision for their personal maintenance being only a secondary concern.—*Letter to Mr. Jones*, p. 29.

Another objection to the commutation arises from a consideration of its consequences. Lord John Russell intimated that an act for the redemption of the tithe-rent would follow; and possibly its redemption for land would be an improvement of the rent-

charge system, though there are serious objections to the clergy depending for their maintenance only upon land. But "every body I think," says Mr. Miller, "who considers attentively the probable effects of the new system, must be convinced that if it be followed by its legitimate results, the income of the clergy will become a charge upon the Consolidated Fund, and then, it is to be feared, what has happened in France will happen in England."* A keen observer, no favourer of the Church, anticipated a similar result, complaining that the commutation would benefit the landed interest at the expense of the state, and that a grant would soon be called for, to augment the poorer livings;† of which, be it remembered, there are 3528 with less than 150*l.* a year, one source of the improvement of which is cut off by the commutation.

Mr. Miller secondly urges that the Tithe Act is *unjust*.

"If tithes are to be abolished, it may reasonably be expected that the Church should receive a full equivalent in property for the loss which she sustains. Why, in this proposed arrangement of the property of the Church, are tithes to be estimated according to the average receipts of the tithe-owner for the last seven years, and not according to their actual value? What should we think of the acts of parliament passed in favour of the railways, if they gave the several companies the power of purchasing lands at a value fixed upon the average rent for the last seven years? I believe that no member of the House of Commons would even be permitted to bring in a bill into parliament if it contained such a provision as this, however modified by powers granted to Commissioners appointed by the crown. But it was the practice of our ancestors, and till lately, our own practice, to respect the property of the Church, even more than the property of individuals; and yet, in these days, when attachment to the Church is so loudly professed, and 'our glorious constitution in Church and State' is the watchword, we apply a principle in arranging the property of the Church, which (in other cases) we should not dare to apply to the property of an individual."‡

Mr. Jones's argument against the Assessment Bill—"If it was discovered that the occupiers had been rating the tithe too high, the fact that too much had been kept back from the clergyman for some years preceding the commutation, would be a very bad reason for continuing to rate the clergyman too high for the future;" and Lord J. Russell's objection to the tithe system, that it caused the clergyman's income to fall or rise according to his indulgence or strictness in asserting his rights, are more applicable to the commutation, which perpetuates such injustice; and this

* Letter to Mr. Palmer, p. 11. As to the Gallican Church, see British Critic, XLIV. 264; and for the similar impoverishment of the Russian Church, see Pinkerton's Russia, c. xi.

† Speech of Whittle Harvey, Feb. 9, 1836.—*Hansard's Parl. Deb.*

‡ Letter to Mr. Palmer, p. 12.

without the compensatory advantage which the tithe system afforded, of the clergyman earning the good-will of his parishioners by liberally taking less than his due. This objection to a principle of the Tithe Act was not unforeseen by the Legislature, for Lord Althorpe's first Bill for the Commutation of Tithes had been defeated by the tithe-payers, chiefly because it was founded on the same principle; and Lord John Russell, in bringing forward his Bill, fairly stated this objection. To remedy the evil, the Tithe Commissioners are generally allowed either to add or take away one-fifth of the tithe-owners' average receipts to ascertain the rent-charge; and may in special cases determine it by the average rate of similar lands in the neighbourhood. It would seem, however, that these provisions will not be sufficient in many cases, especially where the commutation is voluntary, to secure to the Clergy the just value of their tithe; and the tithe-owner's average receipts during the seven years previous to the passing of the Act will still be the basis of the commutation. "As far as the commutations have gone," says Mr. Jones, "the average compositions, with an addition of about two per cent., is what the Clergy have received for the resignation of their rights as tithe-owners. Now this does not amount to two-thirds, I speak within very modest limits, of what the land-owners would have had to yield or pay, had the full rights of the Clergy been exercised. Nor is this all nor the chief part of the advantages secured to the land-owners. *The income of the Church was increasing rapidly, and must have increased largely.*"

"But admitting," writes Mr. Miller, ("what can only be admitted for the sake of argument) that there is no disrespect shown to the Church in this arrangement of her property, the Act contains not a shadow of compensation (to say nothing of waste lands) for the value which the right to tithes now possesses from the capability of the soil of bearing increased produce."* He contends that property is thus taken from the Church without an equivalent asking how those who opposed in the Irish Church Bill the appropriation for educational purposes, could support in the Tithe Act this appropriation for the benefit of the landlords.† Courts of equity and parliament have always recognized this increasing value of tithes: as when Lord Chancellor Northington set aside a composition for tithes on the ground that it "regarded only the value of the past tithes, without any regard to the future increasing value of tithes, which is always allowed for in every private

* Letter to Mr. Palmer, p. 13.

† "Here lies the test,—to take away any part of the income of *any future* incumbent, is one and the same thing as to take away any part of the income of an incumbent of the present."—Letter to Mr. Palmer, p. 19.

bill for an inclosure"*—which decision was confirmed by the House of Lords. Referring to a living, the tithe and glebe of which were commuted for a money-rent, in 1748, by an act of parliament reciting that it would be "*greatly to the advantage and benefit of the present incumbents, and their respective successors,*" Mr. Miller shows that, had there been no commutation, it might now have been worth five times its present value; or, had the commutation been on the present system, would still have lost nearly half its value. And he thus contends that, "when one century from the present time shall have elapsed (to say nothing of intermediate mischiefs) the Church may have been stripped of one-half of her present revenues."† The damage accruing to the tithe-owner, and the gratuitous advantage given to the owners of waste or less cultivated land (the Sussex downs for instance) over other landowners, in this respect, are notorious. Possibly the evil might be remedied by providing, as Mr. Miller suggests, that, according to the principle of Mr. Goulburn's Act for the Compositions for Tithes in Ireland (4 Geo. IV. c. 99), there should be a periodical commutation at the desire of either party, being in every case according to the actual value of the tithe at the time. But as the matter now stands, unless by some strange events there should be a great decrease of the agricultural produce of the kingdom (in which case the land-owner will suffer by the commutation), the Clergy, with the two per cent. addition to their incomes, will have made but a sorry bargain, "a feast for the present age—a famine for posterity."‡ Alas! its prime movers are not alone blameable for this probable mischief: Sir Robert Peel, when advocating a voluntary commutation, put out of consideration a measure founded on the abstract value of the tithe—"*apprehending that the tithe-payers would protest against that mode of settling the question.*"§

But, notwithstanding her loss both in present and future property, some contend that the Church has actually gained by the commutation, exchanging the *uncertain* income of tithes recoverable by proceedings against the *person*, for a *certain* income charged on the *land*, recoverable by distress and entry. They forget that the tithe-rent will vary, with the averages, from year to year, and be less certain than the tithe-owner's income where there was a composition. And, granting that the rent will be more certain than the income from tithes in kind, its certainty will tell equally for the tithe-owner and the landholder, and can never entitle the latter to any abatement in his payments. Again,

* Attorney-General and Blair *v.* Chomly.

† Letter to Mr. Jones, p. 38.

‡ Ib. p. 50.

§ Parl. Deb. 24th March, 1835.

as regards the security, it is not clear that the clergy have gained; while the fundamental principle of the tithe system has been abandoned. The payment of tithes might have been enforced in several ways:—*First*, by suit in the ecclesiastical courts, in which the tithe, with its double value, was recoverable; *secondly*, by action of debt in the temporal courts, in which the treble value of the tithe was recoverable; *thirdly*, by suit in equity; and *fourthly*, when the value did not exceed 10*l.*, or in the case of Quakers 50*l.* two years' arrears might have been recovered by distress and sale, on order of two justices. These remedies may have been insufficient; but that was no ground for taking them away. The Tithe Act however declares that no one shall be *personally* liable for the tithe-rent;* the *only* remedy for recovering it is by distress or entry; and *only two years' arrears* are at any time recoverable,† though landlords (with their many other remedies) complain of their right of recovering rent being limited to six years' arrears. Why should not the owner of the tithe-rent be placed upon an equal footing with the landlord, and be allowed to recover by action of debt, and arrears to the same extent? The law, declaring his property in the tithe by a title at least equal to the landlord's, should have given him every remedy that was necessary for its enjoyment. Yet, so blind is the judgment of men where their own interests are concerned, that the Agricultural Society declared it would grossly violate the land-owners' rights, if the tithe should be commuted for a rent-charge, without consideration for the tithe-holders' "incalculable advantage" in such change.‡

Mr. Miller thirdly contends that the Tithe Act is *irreligious*, independently of its injustice; and before stating his argument in support of this position, it may be well to consider the old opinion, that tithes are payable *jure divino*. Eminent Fathers of our Church have urged their payment on this ground;§ such an opinion was generally held by the ancient canonists,‖ and may be found in our old law books;¶ and the learned Grotius, while declaring that the Mosaic law had no direct obligation on Christians, excepted such of its precepts as regarded virtues enjoined by our Saviour, including the ordinance for the payment of tithes. His words are, "*Tertia observatio hæc sit: quicquid ad eas virtutes pertinens quas Christus a suis discipulis exigit, lege Mosis præceptum est, id nunc etiam, si non et amplius a Christianis præ-*

* 6 & 7 Will. IV. c. 71, s. 67. † Ibid. s. 31, 83.
‡ See Resolutions (4), *ante*, 278, n.
§ See Leslie on Tithes, § 10. ‖ Selden on Tithes, c. 7, § 2.
¶ See 2 Rep. 45, and cases cited Toller on Tithes, c. 1, § 3.

standum." "*Sic lex vetus de Sabbato, et altera de decimis, monstrant Christianos obligari, ne minus septima temporis parte ad cultum divinum, nec minus fructuum decima, in alimenta eorum qui in sacris rebus occupantur aut similes pios usus seponant.*"* Those who further consider the primeval antiquity and universality of the tithe system, its confessedly divine sanction under the Levitical dispensation, the passages bearing upon it in St. Paul's Epistles to the Corinthians and the Hebrews,† with its almost universal usage in the primitive Christian Church, will not hastily deride the opinion, that to render the tenth of their increase to God is obligatory on Christians by his declared sanction.

It is a great mistake to suppose that the maintenance of such an opinion involves the condemnation of those who may have acted on a different persuasion. Christians acknowledge the fallibility of their own judgment, and allow for that of others; they venture not to judge others, nor prescribe limits to the divine mercy. Respecting the right of the clergy to tithes, there has been great diversity of opinion, and many learned and pious Christians have considered that the tithe-system is only recommended by the divine example; the clergy being only entitled to a proper maintenance *jure divino*, while the laity are to determine how such maintenance shall be provided. Some of the old schoolmen appear to have introduced this distinction. Thus Thomas Aquinas, in the thirteenth century, seems to have held that the clergy were entitled to a maintenance by the law of nature, but that it was for the Church to determine what portion should be paid, upon the principle however that the ministers of the New Testament should not receive less than the ministers of the Old Testament.‡ So the celebrated Gerson, in the fifteenth century, held that tithes were due to the clergy *jure divino* only so far as necessary for their maintenance, but that it was for the positive law to determine what portion should be payable, or to commute them into other rents.§ And the author of "The Doctor and Student," a text-book of our law, published in the year 1518, inquiring how the statute 45 Edw. VI. for the nonpayment of tithe of wood twenty years old, might stand with conscience, thence argues that it might. "And then it would follow," he adds, "that if it were ordained for a law, that all paying of tithes should henceforth cease, and that every curate should have assigned to him such certain portions of land, rent or annuity, *as should be*

* De Jure Belli et Pacis, i. 1.

† 1 Cor. ix. 12, 13, and Heb. c. vii. and viii.

‡ Tho. Aqu. II. 2, qu. 86-7.

§ "Solutio decimarum sacerdotibus est de jure divino, quatenus inde sustententur; sed quoad partem hanc vel illam assignare, aut in alios redditus commutare, positivi juris existit."—*Regulæ Morales.*

sufficient for him, and for such ministers as should be necessary to be under him, according to the number of the people there, or that every parishioner or householder should give a certain sum of money to that use, I suppose the law were good."* The Tithe Commutation Act would hardly stand by that test, but Christians want no reasoning to prove that the law of the land is to be obeyed, and remember that they are still at liberty to devote the tenth of their increase to God.

The dissolution of monasteries by Henry VIII. (laymen taking small occasion to withdraw their tithes) occasioned the act of 27 Hen. VIII. c. 20, for enforcing their payment;† and another act for their payment, 32 Hen. VIII. c. 7, was afterwards passed, principally for the protection of the king's grantees: the former act reciting that tithes had been withheld by persons neglecting their duty *to God,* the latter that they had been withheld by persons neglecting their duty *to God or the King.* By the act 2 & 3 Edw. VI. c. 13, these acts were confirmed; and penalties of the treble value of the tithes recoverable in the temporal courts, or their double value (beyond the tithes themselves) recoverable in the ecclesiastical courts, were imposed for the subtraction of tithes; while at the same time it was declared, for the just encouragement of agriculture, that barren heath or waste land, converted into arable or meadow, should be chargeable with tithe only after the end of seven years.

In the reign of Elizabeth the Non-Conformists attacked the tithes, as well as the government and discipline, of the Established Church; and the judicious Hooker, tracing the history and urging the merits of the tithe system, dismissed the question whether it was originally established amongst Christians *jure divino,* seeing that the Church had long ago undertaken the payment of tithes. "When our tithes might have probably seemed our own," are his words "we had colour of liberty to use them as we ourselves saw good. But having made them his whose they are, let us be warned by other men's example what it is, νοσφίσασθαι, to wash or clip that coin which hath on it the mark of God."‡ "We ask for no grant of public money," says Mr. Miller, "we only petition that property which has been appropriated, *and is required,* for the spiritual instruction of the people may not be made over to the landlords who, we believe, do not desire it. Let the people of England beware how they violate charters by which that property has been consecrated to God. "We have given to God both for us and our heirs for ever," is the language of many of those grants; and the same words stand foremost in the great charter of our

* Doctor and Student, ii. 55. † 2 Inst. 643. ‡ Eccles. Pol. V. 79.

civil liberties."* Undoubtedly this argument is valid to prohibit every commutation of Church property, except it be clearly for the benefit or at least without prejudice to the Church.

The Cardinal Bellarmine in the Roman Church denounced the opinion that tithes *quoad quantitatem* were due by the divine law, as a manifest error, (*De Clericis*, ii. 1, 25); and in the reign of James I. we find Lord Coke (building on the distinction of Thomas Aquinas) considering tithes payable in this country only by ecclesiastical ordinance sanctioned by the law of the state;† while the learned Selden, covertly attacking the opinion that tithes were due *jure divino*, accumulated evidence of their ordinance both by secular and ecclesiastical laws.‡ During the reign of Charles I. a great outcry was raised against tithes; a scheme was settled by that monarch for their commutation in Scotland; many took advantage of the civil troubles to withhold their payment in England or Ireland; and the Long Parliament were petitioned for their commutation or abolition.§ At this crisis Sir Henry Spelman's learned treatise on Tithes was published, strongly maintaining that they were payable by the divine law as well as by every other law.‖ The Long Parliament at first passed ordinances for enforcing their payment on the order of two justices,¶ and postponed the consideration of their commutation. Subsequently they referred it to a committee to consider "how a competent and convenient maintenance for a godly and able ministry may be settled in lieu of tithes;** but proceeded no farther in the matter before they were violently dissolved by Cromwell. Their fanatical successors, the Parliament of Praise-God-Barebones, after settling the solemnization of marriage by the civil magistrate (which was their only act), resumed the consideration of tithes which it was proposed to abolish as a relic of Judaism. But, after debating first the property of tithes *in general*, then the property of tithes *in particular*; referring the property of incumbents in tithes to a committee; and spending their five last days in further debate on tithes; they resolved *that their sitting any longer would not be for the good of the Commonwealth*, and gave back their authority to Cromwell from whom they had received it.††

* Letter to Mr. Jones, p. 47. See the Charter of Ethelwolf, A. D. 854, granting the tithes of his whole kingdom "ita ut talis donatio fixa incommutabilisque permaneat,"—and the other ordinances cited by Selden, Spelman, and Leslie. See also Magna Charta, 9 Hen. 3.

† 13 Rep. 17.

‡ History of Tithes, 1618.

§ Commons' Journals, 1646, May 5th, and Nov. 19.

‖ The larger Treatise concerning Tithes, 1647. Cuique Suum: The Law of Tythes affirmed against all Opposers, published in 1654, strongly urged the civil right of the clergy to tithes, and indirectly their divine sanction.

¶ Scobell's Acts, 1644, c. 45; 1647, c. 85, &c.

** Commons' Journals, 29 April, 1652.

†† Ibid. 15, 16, 18, 19 July, and 2, 6, 7, 8, 9, 10, and 12 Dec. 1653; see also Hume's History of England.

The Declaration of the Commonwealth thereupon issued, declaring Christianity the Established Religion, ordered that the present provision for its teachers should continue until one "less subject to scruple and contention" should be provided;* but no such substitute was found, and the ordinances for the payment of tithes were confirmed.† Lastly, after the death of Cromwell and deposition of his son, the Rump Parliament, resuming the tithe question, decided by the Speaker's casting vote, that it should be referred to a committee to consider "how a more equal and comfortable maintenance may be settled for the ministry and satisfaction of the people than by tythes."‡ Soon afterwards they passed a resolution which they ordered to be published by the judges on their circuits, that the payment of tithes should continue unless parliament should find such other maintenance.§ Meanwhile the republican and party pen of Milton was put in requisition to write against tithes; with moral blindness urging the abolition of tithes, and of all established provision for the clergy, "*as the likeliest means to remove hirelings out of the Church;*" while acknowledging the clergy entitled to a maintenance because "*the labourer is worthy of his hire;*‖ and alive to the "*miserable necessity*" of poor ministers of religion "*either to starve or please their paymasters rather than God.*"¶ It can hardly be believed that Milton, though he wrote for *his paymasters,* wrote for *hire;* but possibly he is not answerable for all then published under his name; and he is said to have written otherwise when expressing his calmer opinion.** Be that as it may, the nation returned to their Church and King:—General Monk and the Restoration put the commutation of tithes to rest.

After the Revolution the well-known opposition of the Quakers to tithes (seemingly grounded on a misconception of their principle and a partial interpretation of Scripture) occasioned the publication in the year 1700 of Leslie's Treatise on Tithes,†† which is perhaps the last work in which the *jus divinum* is fully asserted. Bohun not long afterwards treated them as due only by human ordinance;‡‡ and Dean Prideaux, to serve the Church by abandoning the higher ground, wrote to prove that the clergy were entitled to a maintenance *jure divino;* but not to tithes by

* Declaration, 16 December, 1653, Art. 35.
† Scobell's Acts, 1654, c. 45; 1656, c. 10.
‡ Com. Journ. 14 June, 1659. § Journ. 27 June, 1659.
‖ Luke, x. 7.
¶ See Considerations touching the likeliest means to remove Hirelings out of the Church, published in 1659, and dedicated to the Parliament.
** Leslie on Tithes, Preface.
†† Essay concerning the Divine Right of Tithes.
‡‡ Law of Tithes, 1731.

divine right, although the tithe system was of divine original.* The celebrated Blackstone, in his Commentaries, adopted a similar view;‡ and thenceforth the divine right of tithes has been commonly regarded as an antiquated principle, though few who consider its foundation will feel disposed to treat it lightly.

Mr. Miller only observes that we should be guided not merely by positive precept addressed to ourselves, but by every intimation of our duty contained in Scripture; and sets before his readers the several arguments for the divine right of tithes; from the patriarchal dispensation, the Levitical law, and the practice of the Christian Church, and from all these sources, mutually illustrating and enforcing each other, combined. The following observations cannot be too highly prized.

"It is pious and prudent to act as if our salvation depended upon observing intimations of our duty; or rather, perhaps, I should say it is impious and imprudent to disregard them. A faithful servant will not satisfy himself by a bare observance of his master's direct commands, but he will seek to discover his master's wishes, and act in compliance with them, however imperfectly expressed. A dutiful and affectionate child, in the interpretation of his father's will, acts under the impulse of the same generous spirit; he will disdain to take advantage of the absence of any positive instructions; his own interest will be a secondary consideration; he will not retain to his own use any property, however productive, if he only suspects that it was intended for another purpose. Those Testaments, Old and New, which bequeath to us a spiritual and eternal inheritance, must be interpreted with the same dutiful and affectionate spirit. Every book of them, every chapter of them, every verse of them, individually, or, as the case may be, collectively, must be treated with this care and attention."—*Letter to Mr. Palmer*, p. 25.

Showing how Abraham gave tithes to Melchisedeck, the "Priest of the Most High God," and Jacob setting up a pillar to be "God's House," vowed tithes to God, so that Church and tithe went together in their foundation; referring to the ordinance of tithes by the Levitical law, with the blessing or curse declared for their payment or withholding;‡ and commenting upon the ordinance that as the priests of the Temple lived of the things of the Temple, "Even so they which preach the Gospel should live of the Gospel,"§ Mr. Miller thus speaks of—

"The sanction which the system of tithes, as a Divine institution, derives from the Christian Church, for this sanction makes the evidence which has been adduced conclusive. Christians, indeed, in the very first period of the Gospel, either brought all their property to the apostles' feet, or paid much more than their tithes into the Lord's treasury. But as soon as this spirit had subsided, tithes were the appointed means,‖

* The Original and Right of Tithes, 1736.
† 2 Comm. 25.
‡ Malachi, iii. 8, 10.
§ 1 Cor. ix. 14.
‖ Leslie, sec. xi.

and that as a divine institution, of maintaining the ministers of Christ. In our own country, tithes have been established by all the authority, both ecclesiastical and civil, that this nation could give; they were dedicated to the service of God for ever with the most solemn vows, and the people were called upon to pay them by an appeal to their sense of Christian duty.* That our ancestors applied the words of the Prophet Malachi to themselves, and therefore, as a means of averting judgment, enforced the strict payment of tithes, is a circumstance which will never be considered by unprejudiced persons as a sign of a dark age. It is our age that is the age of darkness. We are not amending, as the act professes, but reversing the laws: we are demolishing that which our ancestors built up, in their piety to God and their zeal for the church. We are destroying with heedless hands a system which has been consecrated by time, and which traces its origin to Heaven. The Charge of irreligion, therefore, attaches itself most strongly to the Tithe Act; and the more so, as it owes its birth to nothing but the covetous spirit of the age; for, notwithstanding the plausible objections which have been urged, tithes are so far from being an oppressive tax, that the payment of them is a natural acknowledgment to God for his blessing on the productions of the earth. '*It has always been my boast and pride,*' said Sir Brook Bridges, at a meeting to which I have more than once alluded, '*that before I can spend a single farthing which I receive from the land, a portion of those receipts has gone to the honour of my God. I will say, that if we, as a nation, or as individuals, whether as persons dissenting from the Establishment, or as belonging to the Establishment, do not endeavour to deserve that blessing which, I read in my Bible, is promised to those who honour God with their substance, and give to His service the first-fruits of their increase, we may expect to receive from Him a curse instead of a blessing.*' " †

On these grounds, and for the religious principles encouraged by the right payment of tithes,‡ Mr. Miller maintains that the Tithe Act is *irreligious,* as well as *inexpedient* and *unjust.* He further complains that it is contrary to established principle in its compulsory provisions; and unconstitutional, in violating rights which the sovereign is sworn to preserve. He complains also of the clergy being tempted to join in spoiling the Church, and petitions that the Tithe Act may not take effect in the parish of Harlow during his incumbency;§ thus calling on both clergy and laity to protest against the commutation:—

* Soame's Anglo-Saxon Church, 190—194.

† Letter to Mr. Palmer, p. 31—4.

‡ " If we have not a habit of faith, we can never exert great acts; and habits cannot be acquired without often repeated acts. To this end were tithes and sabbaths instituted, to use us to frequent and daily acts of faith; and till we are well used to these, we can never rise higher. It is only God's blessing which maketh increase, and giveth success to whatever second means."—*Leslie on Tithes,* i.

§ " When the Scottish clergy were either persuaded, seduced, or intimidated, by the rapacious *Reformists,* into a formal surrendry of their *revenues* for stipends to be paid

"Let it be remembered that our private interest is not the chief thing at stake; but that, as trustees for the Church, and guarding the interests of our parishes, we call upon the British legislature to redress this public wrong. If the nation were determined to rob the Church, there might be reason for despair: but whenever any measure injurious to the Church has been fully discussed by the public, it has almost invariably been amended or abandoned. An apparent victory may have been obtained by our opponents; but always ended in their virtual defeat. The Tithe Act passed almost *sub silentio;* why then should not the legislature reconsider a measure fraught with evil to Church and State, when it often alters a law which presses on private interests? If an individual sees that he has done wrong, will he not repair that wrong; and shall the legislature of this great nation be less just than an individual? *Is the decision of a judge relating to a question of assessment to be reconsidered;* and cannot the High Court of Parliament retrace its steps in a question of such vital importance? *Optima portus pœnitenti mutatio consilii est:*— The Church has nothing to fear, except from those who see the evil, and, without protest or remonstrance, say it is too late to remove it."*

It is unnecessary to enumerate all the objections to the commutation, or all the advantages of the tithe-system when rightly understood. Enough has been said to make those hesitate who consider the Tithe Act "a fair and wise measure," or that it operates "as beneficially as its warmest advocates ever anticipated."† Perhaps the legislature even yet may correct the evil done; although the work of commutation is now progressing throughout the kingdom.‡ It is believed that new obstacles still

by the state; one old sturdy incumbent, tenacious of his benefice, resolutely maintained it. And we know from respectable information that it is now so greatly raised in its value, with the rise of the times, as to be proverbially called *the Scottish Bishopric.* A useful *memento* to the *English and Irish clergy* to resist *innovation and commutations of tithes.*"—(*Hale's Chronology*, iii. 646, n.) Perhaps the living of Harlow may prove our English Bishopric. With a scattered agricultural population of 2000, and a clerical income of 430*l. per annum*, it has recently added two chapels of ease to the parish church, through the pious zeal of its minister well seconded by his parishioners.

* Letter to Mr. Jones, pp. 39, 40.

† Bishop of Llandaff's Charge, Sept. 1839.

‡ The Report of the Tithe Commissioners, 1 Jan. 1840, states their belief "that rent-charges have now been fixed in about 5-12ths of the tithe districts of the country (exclusive of those parishes or places the tithes of which have been commuted by local acts of parliament.") The commissioners had received 4993 agreements, of which 3980 had been confirmed; had made 414 awards, of which 178 had been confirmed; and received 2184 apportionments, of which 1157 had been confirmed. Voluntary agreements and apportionments had been much accelerated, but the apportionment usually consumed more time than the six months contemplated; adverting to which and to the fact that the commissioners have no control over this process without the decided step of taking it altogether into their own hands, they urge the parties to provide for the probable delay, and the tithe-owners to retain their right to the tithes or compositions until some quarter-day *after* the completion of the apportionment. Unless the voluntary agreements should slacken, they do not propose to extend

spring up to check its course, notwithstanding the ability and integrity of the Commissioners by whom it is conducted, and notwithstanding the several enactments by which it has been facilitated. It will not be for the clergy to add to the difficulties of the commutation; although they may protest against it, and await the operation of the law. Some, as a garrison driven to capitulate for the advantage of the besieged city, may enter into the voluntary arrangement, if they sincerely believe it most for the benefit of the Church. All will remember that it is their duty to submit to the law of the land, and give every facility to its operation, so far as is practicable without compromising their principles. The clergy will also feel it their duty to firmly advocate the interests of the Church, taking care that it is *her* interest and *no personal gain* they are seeking, and endeavouring by their *actions* to make this manifest to their parishioners. While the landowners will remember that they are not merely bargaining for the inheritance of their fellow-men, but have to render to the Giver of all a full equivalent for the tithe of their increase. To HIM should the Laity pay. Of HIM should the Clergy receive. So may HE, in his mercy, forgive all the covetous sin of his people; and HIS Church still increase upon earth, though poor in her earthly possessions.

their compulsory proceedings beyond the four classes of cases enumerated in their circular of 27 Aug., 1838.

"1st. Of those in which litigation is in progress.

"2ndly. Of those in which tithe has been taken in kind prior to the appearance of this circular.

"3dly. Of cases in which the Commissioners are requested by both tithe-owners and land-owners to interfere.

"4thly. Of cases in which an incumbent has been recently appointed, or may hereafter be admitted to a rectory or vicarage, and becomes thereby owner of the great or small tithes."

The Commissioners urge all parties to adopt the voluntary process; for though "where the parties institute no contest and make no struggle before the Commissioners a compulsory commutation may be promptly and cheaply settled," yet any litigious or suspicious individual therein concerned may force a protracted investigation, and occasion great expense.

ART. III.—*Montrose and the Covenanters, their Characters and Conduct, illustrated from Private Letters and other Original Documents hitherto unpublished, embracing the Times of Charles the First, from the rise of the Troubles in Scotland, to the Death of Montrose.* By Mark Napier, Esq., Advocate. 2 vols. London. Duncan. 1838.

WE do not know that we can easily do better than commence this paper by taking advantage of the facilities which Mr. Mark Napier has afforded us, of presenting our readers with several portraits of the great Marquess of Montrose, which he has hung up, as it were, in the vestibule of the edifice here consecrated by him to the memory of that most extraordinary man.

The first of these performances which stares us in the face, is by George Brodie, Esq., Advocate;*—the *Devil's Advocate*, it would seem! For, if the fidelity of the artist be admitted, his work must be utterly fatal to the admission of Montrose's name into the sacred Calendar of Historical Worthies: nay, it must enrol him, for ever, among the Catilines, and the Borgias, and other the most successful candidates for everlasting infamy.

"Active, cruel, daring, and unprincipled, he seemed formed by nature for civil broils. Chagrined at real or supposed neglect from the court, he joined the Covenanters with a bitterness of spirit which was mistaken for enthusiastic zeal. But vexed, on the one hand, at being eclipsed in the council by the abilities and influence of Argyle, and in the army by Leslie, and allured, on the other, by the prospect of high court favour, the want of which had first stung him with mortification and revenge, he eagerly listened to tempting offers, and not only engaged to renounce the principles for which he had contended, but to betray the cause, to conspire by perjury against the lives and honour of the individuals with whom he had acted in concert, and latterly to propose cutting them off by assassination, or by suddenly raising a faction in the hour of unsuspecting security, to perpetrate an indiscriminate slaughter upon all the leading men of the party. Detected in his wickedness, and *utterly cast off by the whole body as bloated with iniquity*, he allowed the tumultuous fury of wounded pride and disappointed ambition to assume the semblance of principle, and looked towards the ruin of the political franchises and the religion of his country, which he had so sworn to maintain, as to the necessary removal of standing reproaches of his apostacy, and barriers to his aggrandisement. Hence there was *no scheme so desperate that he hesitated to recommend, none so wicked that he declined to execute.*"—pp. 1, 2.

Now, if a group of the most accomplished scoundrels the world ever beheld, had consented to sit, in the way of voluntary con-

* History of the British Empire, by George Brodie, Esq., Advocate, vol. ii. p. 404.

tribution, for *one* picture, which should exhibit the vilest of all human physiognomies, it is scarcely imaginable that a much uglier exhibition than this could have been the result. It is, in truth, a " counterfeit presentment,"

> Where every *dæmon* seemed to set his seal,
> To give the world assurance of—a *villain !*

For the honour of loyalty, for the credit of our common nature, one would willingly hope that this portrait is too horribly bad to be a good likeness. Let us pass on to the next.

The following is the figure, as it appears on the canvass of Clarendon :

" Montrose was in his nature fearless of danger, and never declined any enterprize for the difficulty of going through with it, but exceedingly affected those which seemed desperate to other men, and did believe somewhat to be in himself which other men were not acquainted with, which made him live more easily towards those who were, or were willing to be inferior to him, (towards whom he exercised wonderful civility and generosity,) than with his superiors or equals. He was naturally jealous, and suspected those who did not concur with him in the way not to mean so well as he. He was not without vanity, but his virtues were much superior, and he well deserved to have his memory preserved, and celebrated amongst the most illustrious persons of the age in which he lived. "*

Here, we begin to breathe again. We have, at least, got away from the regions of the reprobate ! We have before us a decidedly favourable specimen of quotidian humanity ; a combination of high excellence with corresponding defects, such as we see perpetually crossing the historical field of view. And we feel assured that we are making, at all events, some approximation towards the truth.

We now come to the stately cartoon of the celebrated Cardinal de Retz; under whose hands, the perjured traitor, the dark assassin, the ruthless minister of devastation, starts up in the full dimensions of classic heroism :

" The Earl of Montrose, the head of the House of Graham,—
" (the only man in the world who has even recalled before m
" the image of certain heroes whom we no longer behold, save i
" the biographies of Plutarch),—had sustained, in his own country
" the cause of the King of England, with a grandeur of soul
" which has no parallel in the present age."†

And, lastly, lest the heart of loyalty should be elated, beyond measure, by so towering an exhibition of her champion, let us contemplate, for a moment, the performance of Burnet's scrawl

* Clarendon's History, vol. vi. p. 422. Oxford ed. 1826.
† Mem. du Card. de Retz.

ing, slovenly, but most malicious pencil. If we had nothing but this to trust to, we might conclude that Montrose, instead of being the high-souled, chivalrous, self-devoted defender of the king, was neither more nor less than his evil genius. Montrose, —he tells us,—though, at times, he made great progress,—laid no lasting foundation; did not make himself master of the strong places or passes of the kingdom; had no scheme to fix his conquests; wasted the estates of his enemies; was lifted up out of measure after his great victory at Kilsyth; thought his very name carried terror with it; wrote the king a vapouring letter, in which he boasted that he had gone over the land, from Dan even to Beersheba; alienated the Scots from the king; exalted all the enemies to peace; extinguished the treaty at Uxbridge; and, finally, was the ruin of the king's affairs![*] All this is bad enough: but, this is not the worst. Montrose, it seems, was not merely a vain-glorious and blustering adventurer; but, at bottom, little better than a poor poltroon! He was as Thrasonic as Bobadil, and, withal, as cowardly. "In his defeat, he took too much "care of himself; for he was never willing to expose himself too "much."[†] Of all Burnet's calumnies, this, perhaps, is the most impudent. The thing, on the face of it, is an odious and stupid lie. Montrose, of all men, afraid of exposing himself in battle! Why, if Mr. Brodie had invested him with all the horrible and grotesque attributes, under which the Power of Evil is presented to the eye of vulgar superstition, he would scarcely have made a more outrageous experiment, than this of Bishop Burnet's, on the public credulity. Watch the great marquess, on his meteor career, from Tippermuir to Kilsyth. Observe the character and composition of his forces. And, only imagine a leader of these iron mountaineers betraying the smallest filament of the *white feather*, in their presence! Argyle, indeed, could afford to indulge the instinct of self-preservation. The influence and patronage of the Dictator were overpowering. Among his own party, his failings were far beyond the reach of censure. And, besides, craft was, notoriously, his pre-eminent quality. Soldier-like temperament or genius he had none; and, at last, he felt compelled to throw up his military command, and to confine himself chiefly to the labyrinth of his own dark and crooked wisdom. But Montrose had little, or nothing, to depend upon, save the resources of his own mind, and the strength of his own will. He was, himself, the very life and soul of the royal fortunes in Scotland. And, he had to deal with men, in whose estimate personal daring stood in the first place, and the second

[*] See Burnet's Own Times, pp. 67, 68, vol. i. Oxford ed. 1823.

[†] Ibid. p. 67. This is among the passages originally suppressed.

place, and the third place; and, indeed, was nearly all in all. Earth would have had no grave deep enough to hide his shame from them, had he ever shrunk from the foremost rank of deadly strife. The very first symptoms of such weakness in their commander, would have broken the spell of his power, in an instant, and have sent back the clansmen, in sorrow and in scorn, to their native glens. And, this is the man whose name Burnet has ventured to connect with poltroonery! He might almost as well have called Newton a dunce.

It may, here, be remarked that the fierce artist who stands first in this little Historical Gallery, appears to have accomplished himself for his task, in the regular Covenanting School. Of that school it seems to have been one fundamental maxim, that their most formidable enemies, and Montrose more especially, were always to be pictured as unredeemed monsters. Of this, Mr. Napier has produced a curious illustration from the manuscripts in the Advocate's Library. In that collection, there has been found a private, and hitherto unprinted, Journal, entitled "Nichol's Diary;" in which the hero in question is scarcely ever mentioned by any milder description than that of the "cruel murderer, and "excommunicated traitor, James Graham, sometime called Earl "of Montrose." It is evident, however, that the pen of the writer was much more ferocious than his principles: for, in some parts of the manuscript, these dreadful attributes are erased by the journalist himself. His own explanation of this is amusing enough. He wrote under bodily fear of "the orders of Parlia-"ment and Committee, and prohibitions of the kirks, that none "durst speak in favour of that nobleman, for fear of censure and "punishment." And, after reciting some awful instance of the vengeance of those authorities, he adds,—with beautiful *naïveté*,— "wherefore, and for eschewing the like trial and punishment, the "writer is forced to set down, in these observations, the same "titles, styles, and designations, vented, spoken, and printed of "him, as before, by authority and power of those who ruled for "the time."* But, though the writer was fearful of committing the truth even to his own deaf and dumb paper, during the days of rebuke, it is to be presumed that, when safer times came round, he was resolved on making reparation to his damaged conscience, by recording the above notable confession! Not so Mr. Brodie. He has no misgivings of conscience whatever. His allegiance to Parliament, Committee, and Kirk, is as fresh and lively as if they were, to this hour, in their full predominance. His historical integrity we have neither the right nor the inclination to question.

* This curious historical manuscript, Mr. Napier tells us, is now in progress of being privately printed.

We hope, however, to be forgiven for professing that this is more than we can honestly say for his mighty masters!

Utterly dissatisfied with all these performers, save De Retz, Mr. Napier has himself seized upon the pallet, and produced an historical picture, of which Montrose, of course, is the central figure. The hero is exhibited to us as endowed with prodigious dignity, comeliness, and grandeur; almost as a model of perfection. We have only to imagine something as opposite as possible to the representation given by Mr. Brodie, and we shall have a tolerable notion of Montrose, as he appears to the perceptions of Mr. Napier. His work, accordingly, demands from us a very cautious examination. But, before we proceed to our office, it will be proper to make known the peculiar grounds upon which he claims the attention and confidence of the public.

"The most important *new* matter contained in these volumes," —Mr. Napier tells us—"are the historical fragments contained "in the private archives of the Napier family"—(with which family Montrose was closely connected by marriage)—"with the "addition of some discoveries among the manuscripts of the Advocate's Library." And, he adds—"if the various original "documents now produced,—(and which, instead of consigning "to the retirement of an appendix, I have interwoven with my "text),—shall be found to add any thing to the facts and the in- "terests of the most instructive period of British history,—and, "above all, shall, in any degree, tend to redeem from unmerited "obloquy one illustrious victim of hypocritical democracy,—I am "satisfied to give up my own lucubrations in these volumes to "whatever criticism they may call forth." Some criticism, indeed, he appears to have anticipated: for he acknowledges himself "con- "scious of having caught too much of the tone of excited contro- "versy,—of having written *tumultuante calamo*,—and, occasion- "ally, somewhat in King Cambyses' vein." We are glad that his frankness has, thus far, disarmed all critical severity. We can forgive a little occasional rant, where manful honesty of purpose is discernible. And, accordingly, without wasting more words on the mere literary merit of these volumes, we close, at once, with the candid proposition of the author:—"I would desire no more "than that, beside the calumnies against the memory of Montrose, "should be placed the hitherto unknown letters and documents "I have now produced; in which Montrose may be said to speak "for himself, on the matter of his advice to Charles I., and the "motives and principles of his own conduct."

We now proceed to our brief analysis of Mr. Napier's biographical and historical narrative. It appears, then, that James Graham was born at the close of 1612, or the beginning of the

year following. His mother was sister to John Earl of Gowrie, who has been doomed to an ambiguous immortality by the strange conspiracy which bears his name, and who was notoriously addicted to mysterious and necromantic arts. We need not, therefore, be surprised to hear that the weird sisters were consulted at his birth; or, that it was prognosticated of him, that he would trouble all Scotland, seeing he had swallowed a toad while he was a sucking child! He lost his father, John, third Earl of Montrose, in November, 1626. At a very early age he was united to Magdalene, daughter of Lord Carnegie of Kinnaird, afterwards Earl of Southesk. But, his countess appears only to vanish again; for nothing more is heard of her; and the period of her death is wholly unknown. Montrose, having entered into wedlock when a boy, had still his education to complete: and this he did by travelling some years on the Continent, where he accomplished himself in liberal studies, and in manly exercises. If Burnet is to be believed, he was possessed with his uncle's propensity to dive into futurity. "When he was beyond sea"—the bishop tells us—"Montrose travelled with the Earl of Denbigh; and they consulted all the astrologers they could hear of." The vaticinations, it seems, presented a mingled yarn, of good and evil: for "Montrose was promised a glorious fortune for some time; but, all "was to be overthrown in the conclusion." It has been asserted that, while he was in France, he accepted a commission in the Royal Guard of Louis XIII. The matter, however, is extremely doubtful, and of no great importance. At all events, it is certain that he had returned to England in 1636; and, at this point it is that his history, as a public man, commences.

Montrose, at this time, was about twenty-four years of age. Young, however, as he was, he appears already to have occupied a considerable space in the public eye. It is remarked by Clarendon that he and Argyle were regarded by the people as young men of unlimited ambition. Both were candidates for the royal favour: but, alas! (if we may venture on such an application of sacred words), one was taken and the other left! Argyle was gifted with no ordinary talents, and "wanted nothing but honesty and "courage to be a very extraordinary man." If his own father might be credited, this character of him, by Clarendon, though by no means very exalted, is all too favourable. The old earl, whom he had exasperated by insolence and disobedience, portrayed him in far darker colours to the king. "Sir"—said he to Charles—"I must know this young man better than you can do. You *may* "raise him; which, I doubt, you will live to repent: for, he is a "man of craft, subtlety, and falsehood, and can love no man; and, if "ever he find it in his power to do you mischief, he will be sure to "do it." This parental augury was uttered in vain; but sore and

bitter cause had the royal dupe to deplore his disregard of it. He took into his confidence a man, whom we cannot, perhaps, more adequately figure to ourselves, than by thinking of a cross between the fox and the wolf; cunning, ferocious, and dastardly. The character and fortunes of Montrose were in striking contrast with those of his reputed rival. Even their superficial qualities were the direct reverse of each other. Unlike the grim and ungainly Lorn, Montrose seemed to be as eminently qualified for the court as the camp. His exterior was singularly advantageous. His stature, indeed, was something below the heroic standard. But his proportions indicated unusual activity and power. His eye was quick and penetrating. His demeanour was princely; (or, as Burnet will have it, "stately to affectation"). His nature was altogether alien from duplicity or craft. He was open, frank, and impetuous almost to a fault. According to the representation of the above unfriendly chronicler, "he lived as in a romance;" from which it may, at least, be gathered that he was far above the reptile artifices of vulgar intrigue. Such, however, as he was, he presented himself at court; and was chilled, for a time, by the ungracious reception he met with from the king. What were the causes of his repulse, it is of no urgent importance to inquire. There seems, however, good reason to ascribe his ill success to the jealous temper and insidious practices of Hamilton. His course was as dissimilar to that of Argyle, in its termination, as in its beginning. He, whom, in an evil hour, the king delighted to honour, died the death of a traitor to the king. He, whom the king rejected, died the death of a *traitor* to —— the Covenant!

Yes; even to this day, Montrose is execrated by many as a traitor to the Covenant. It would be more correct to say that he was a deserter from the Covenanters. It cannot be denied that he touched what Mr. Napier has the hardihood to call "the un-"clean thing—Whiggery!"—He touched, and tasted, and handled it: and, for a time, it miserably defiled him. Finding himself repelled from the court, he retired to Scotland; and, the next thing we hear of him is his appearance at that great synagogue of schism and sedition, the Convention of the 15th of November, 1637. His presence there created a vast *sensation*. He was "the "observed of all observers." The agitators exulted. The bishops, when they heard of his joining their enemies, thought it high time to prepare for a storm. How he came there, has never, it must be confessed, been very clearly or satisfactorily explained. It is not what we should have expected of him. His chivalrous temper, his refined and liberal education, his love of high and generous literature, his knightly accomplishments, the very world of romance, in which (as Burnet tells us) he lived, and moved, and had his being,—all these, one would imagine, were but ill adapted

to prepare him for an eminent position in a conclave of revolutionary demagogues. Besides, it must never be forgotten that, not long before, he had been anxious to offer his services to the king; and that the company, in which he now stood, was one which would have never seen his face among them, if those services had been accepted. All this, undoubtedly, has a very awkward appearance. It looks very much as if his patriotism had been somewhat sharpened by a sense of personal disappointment and disgust. On the other hand, it must be remembered, that he was young and inexperienced; that he returned to Scotland at a critical period, a season of almost epidemic turbulence and frenzy; that youthful and ardent tempers are highly susceptible of political infection; and that civil and religious freedom are often words of magic influence with men of unsuspecting hearts and lofty understandings. The acquisition of such an ally would be *as great spoil* to the leaders of the *movement:* and it cannot reasonably be doubted that all their artifices of seduction were resorted to for the purpose of making him their own. It is affirmed by Baillie that he was "brought in by the *canniness* of Rothes." That Rothes would be unscrupulous and unsparing enough in the application of all his resources of cunning, may be easily believed. But *he* has not the undivided honour of securing the distinguished proselyte. Montrose himself ascribed the achievement to another person, Robert Murray, minister at Methven,—who was one of those appointed "to *travail* with them of Perth and Stirlingshire," the very districts in which Montrose's property was situated. This appears from a manuscript deposition of Murray's, taken in May, 1641, but never yet printed; in which the deponent declares that Montrose had said to him, "*You* "were an instrument of bringing me to this cause; and, I am "desirous to give *you*, and all honest men, satisfaction anent my "carriage therein."* But, further, it should be borne in mind that Lord Napier, who married the elder sister of Montrose, was also, at that period, a decided, though not a factious and disloyal Covenanter. This nobleman was the son of Napier of Merchiston, the illustrious inventor of logarithms. He was universally esteemed as an eminently wise and upright man, and was honoured by Montrose, who was many years his junior, with sentiments of almost filial reverence and affection. It is, therefore, nothing more than fair and reasonable to believe, that Montrose's initiation into the *liberal* principles of the time, was, in part at least, due to the influence and the example of this distinguished worthy. Indeed, it subsequently appeared that, as they entered the ranks

* Mr. Napier has produced this deposition from the MSS. in the Advocate's Library; which contains most of the original papers relating to the events of that particular period.—Vol. i. p. 371.

of reputed patriotism together, so did they quit the banner in company, when they found it waving over the heads of rebels and of traitors: and bitter was the vengeance brought down upon them by their defection! But, be all this as it may, foremost among the benchers of the Covenant, Montrose undoubtedly appeared, in 1637: and the value attached to his adhesion was manifested by the appearance of his name as one of the four noblemen selected to form a part of a board, or committee, of twelve; the other three being Rothes, Loudon, and Lindsay.

We have spoken of the Covenant as it were by anticipation: for this memorable bond was resorted to for the purpose of giving the sanction of religion to that outrageously illegal combination which had already set up for itself in the business of government. Nothing could be more abortive than any attempt to convey, in a paper like this, any correct notion of the merits or demerits of the "world-famous" instrument in question, or of the proceedings which led to its adoption. We must, therefore, content ourselves with declaring that, to us, the history of the matter appears tolerably clear; and that the outline of it is simply this:—the aristocratic faction were smitten with a passionate fondness for the broad acres and goodly tithes, which the Reformation had rifled from the Church, and thrown into their possession. Their desire to retain these objects of their unfeigned attachment, fixed them in a deadly abhorrence of Episcopacy. Their abhorrence of Episcopacy involved them in a desperate struggle with the crown. The struggle with the crown ended in an open usurpation of the functions of government. And, lastly, usurpation lifted up the "trumpet of God's evangel," and proclaimed itself the guardian angel of the religion and liberties of the land. Of these liberties the Covenant was the charter: and the silly people rushed forward, in multitudes, to sign it, "as if they were writing the names in the Book of Life." They, many of them, probably believed, in their simplicity, that they were setting their hands only to the revival of an old confession of faith, abjuring the main articles of popery; the same confession, that is, to which the king, and many of his Protestant subjects, had given their signature, almost sixty years before. The demagogues knew better! They deliberately put forth, as Clarendon states it, "a new deed with an old title;" whereby they bound themselves, and their adherents, in a compact and indissoluble union; the object of which was, the prosecution of their designs, in defiance of all opposition whatever, and in utter disregard of any "foul aspersions of rebellion, combination, or what else "their adversaries, from their craft or malice, would put upon "them." And this,—we are gravely told by them,—they did,

" from an unfeigned desire to maintain the true worship of God, " the majesty of their king, the peace of the kingdom, and the " common happiness of themselves and their posterity." Such was the Covenant. Such was the deed which Montrose sanctioned with his name. Mr. Napier tells us that he has seen his signature, in a copy preserved in the Advocate's Library, " con- " spicuous for its foremost place, and for the characteristic bold- " ness of the autograph." It may, perhaps, assist us to account for this temporary infatuation, if we recollect, that, to the last, Montrose was altogether indifferent as to Episcopacy. He openly declared as much to the Presbyterian ministers who were sent to confer with him the day before his death. " Bishops," —he said—" I care not for them. I never intended to advance their interest." It, therefore, is not wholly improbable that, when he signed the Covenant, he imagined himself to be entering into a conflict, the main object of which was to overthrow a form of ecclesiastical government for which he entertained but little reverence, and which, in his judgment, might well be sacrificed for the sake of peace. As to the guilt of an assault upon the hierarchy, his conscience was unhappily inert: and hence, for a time, there came down a spirit of deep slumber on his loyalty.

Having secured to their cause so distinguished a champion, the faction were resolved that he should not long remain without employment. He was just the man for their purpose. His martial habits, his spirit of enterprize, his ardour and impetuosity, all promised to render his services invaluable. And, it must be allowed, that when he had once tasted " of the insane root," it appeared to have completely " taken his reason prisoner." He was selected, together with Rothes and Loudon, to treat with Hamilton, the royal commissioner; and, from him — (unless Bishop Guthrie has been guilty of deliberate fiction)—Montrose, in a private conference, heard certain words, which, if any thing could, might well have aroused him to a sense of his desperate position. " My lords and gentlemen,"—(Hamilton is reported to have said,)—" I spoke to you, before those lords of the coun- " cil, as the king's commissioner: now, there being none present " but yourselves, I speak to you as a kindly Scotsman. If you go " on with courage and resolution, you will carry what you please. " But, if you faint, and give ground in the least, you are undone. " A word is enough to wise men." These accents of perfidy must surely have startled Montrose, if he had not been under the influence of a " numbing spell;" and must have driven him instantly to unmask the hypocrisy and treason which surrounded him:

si mens non læva fuisset,
Impulerat ferro Argolicas fœdare latebras.

But alas! the charm was too heavy upon him! For, in November, 1638, that same walking enigma, Hamilton, in a letter to the king, after enumerating the leaders of the agitation, goes on to say,—"there are many others as forward in show; but "none more vainly foolish than Montrose." Again;—when the king made such ample concessions, that all moderate men began to dream of peace, he was met with a factious and disingenuous protestation: and Montrose was the person who appeared, on the occasion, as the representative of the malcontent nobility. Once more,—at the Assembly of Glasgow, in November, 1638, the conduct of Montrose was positively outrageous; though partially redeemed by the contempt which it manifested for all the paltry artifices of concealment. The case was this: Lord Carnegie, the brother-in-law of Montrose, and Erskine of Dun, were nominated by the Presbytery of Brechin, for the office of Ruling Elder at the Assembly. Carnegie had the plurality of voices. But, Erskine, being the stouter Covenanter, had the recommendation of *the Tables;* which recommendation was indorsed upon the return of the commission, and supported by the signature of Montrose. By inadvertence, this audacious "back-writ" was read aloud by the clerk, the notorious Archibald Johnson. The blunder threw the whole assembly into dire confusion: for, although, *for the public good*, they descended, without scruple, to all manner of irregular and illegal practices, it grievously wounded their conscience to be found out! Not so, Montrose. He had produced Erskine's commission, written, as it was, within and without, for the express purpose of being publicly read. And, in answer to some private remonstrance, he professed his resolution to avow the least jot of what was written. The incident shows two things;—first, that Montrose was then prepared to support the supreme jurisdiction of the Tables, against all legal and constitutional authority: and, secondly, that, unlike his colleagues, he was far too frank and honourable to effect his purpose by clandestine and fraudulent proceedings.

Before this scene took place, Montrose had been sent to try his hand as a missionary. The northern counties, and, more especially, the loyal town of Aberdeen, were still, most unaccountably, blind to the glories and blessings of the great national compact. Charity, of course, demanded that an attempt should be made for their illumination: and Montrose—then described by Rothes as "a noble and true hearted cavalier"—was appointed as conductor of this theological expedition. For this once,

the weapons of the warfare were not carnal. The controversy was carried on without the aid of "pike, or gun, or infallible artillery." The youthful propagandist was attended by a considerable company of laymen. But, his most effective colleagues were the three mighty Apostles of the Covenant, Henderson, and Dickson, and Cant. At Aberdeen, there was a pretty brisk cannonade of preachment, harangue, and controversial manifesto. But the results were very far from splendid. The men of the good town, in spite of all that could be done by the sons of thunder for their deliverance, with some few exceptions, remained in deplorable captivity to their obsolete prejudices; and, in that condition the itinerant Reformers were compelled to leave them. The visitation was then extended to various districts of the north; and Montrose returned to Edinburgh, with a parchment full of obscure signatures, the only fruits of his rather inglorious campaign.

The arguments subsequently resorted to by the Covenanters were of a much more staggering description. The reformation of Aberdeen was a good work which was, at all events, to be accomplished. And, again, Montrose was the irrefragable Doctor, selected for the purpose of its conversion. This time, however, the arm of flesh was called in as an auxiliary to the *righteous* cause! Montrose was invested with the title of General. And his attendance was, not the apostolical triumvirate who graced his former expedition, but, His Excellency Field Marshal Alexander Leslie, (sometime companion in arms to the immortal Gustavus, the Lion of the North), who was appointed to go with him as his adjutant, and confidential adviser. He was followed by a bristling battalion of two thousand sturdy *polemics;* not *now* without pike, or gun, or infallible artillery. He brought up—says James Gordon—"two pieces "of brass demi-cannon, with some other lesser pieces, (strange "ingredients for the visitation of a university), as supposing he "should be driven to make a breach in the new walls of Aber- "deen, before he should get entry."* On Palm Sunday, 30th March, 1639, he entered Aberdeen, "with a *veni, vidi, vici:*" as well he might; for, by this time, his forces were augmented to eleven thousand men. There was no disputing with the master of two legions. Many of the towns-people fled. Those that remained could make no stand against the victorious divinity of Montrose. And so, the heralds of the Covenant began, with little outward opposition, "to sing a song to the towsmen of a far

* From an unpublished MS. of James Gordon, Minister of Rothmay, who accompanied his father, Robert Gordon of Straloch, one of the commissioners from Huntley to Montrose.

" other tune than they had learned from their own ministers and " doctors; crying down that doctrine which the town's doctors— " they knew—were not now in equal terms with them to main- " tain any more, without affronts to their persons."* And thus, as the Covenanters boasted, the curse alighted upon Meroz, which came not to the help of the Lord against the mighty!

Having rested under their laurels, a few days, in Aberdeen, (where Montrose treated the persons and property of the townsmen with considerably more tenderness than he did their consciences,)—the conquerors marched off to see whether they could not bring Huntly to reason. We are unable to follow Mr. Napier through his narrative of the negociations which ensued. The result of them, however, is of some importance: for, they ended in a transaction which helped incurably to alienate Huntly from Montrose. By the artifices of his adversaries, aided by some indiscretion of his own, that nobleman was entrapped, under a promise of safety, to a conference; and, when he was in the power of the covenanting army, he was compelled to go with them to Edinburgh; and, there he remained a prisoner till the treaty of Berwick. It is not altogether certain whether Montrose consented to this most dishonourable proceeding, or whether he was overpowered by the violence of his less scrupulous associates. To us, we confess, the evidence appears to be rather in his favour. In the first place, there is nothing in his history to warrant the belief that baseness or treachery entered into his character. Secondly, when acting for himself, he had recently dismissed Huntly on terms too favourable to give satisfaction to his colleagues. And, thirdly, during the late expedition, he had shown no propensity whatever to deal harshly, much less perfidiously, with those who fell into his power. On the contrary,—he had been instructed to levy a hundred thousand marks on Aberdeen; an exaction which he reduced to a tenth part of that sum: to the no small displeasure of his worshipful and reverend masters. " The *discretion*"—says Baillie—" of that generous and noble " youth (Montrose) was but too great. A great sum was " named, as a fine to that *unnatural* city: but, all was forgiven." And, again, speaking of the free quarters indulged to a portion of Montrose's forces, the same Christian-hearted worthy remarks, —" This was much cried out upon by our enemies, as cruel and " barbarous plunderings: but, a little time did try that we had " been *too great fools* not to disarm that country altogether, and " use some severity for example among them. At that time,

* From an unpublished MS. of James Gordon, Minister of Rothmay, before quoted.

" they had no reason of complaining; but, greatly to commend, " as they did in words, *our leader's courtesy.*" This testimony goes far to confirm the assertion of Bishop Guthrie, that, but for Montrose, the town of Aberdeen would have been plundered and burned. The licence of the Highland soldiery, in the surrounding country, it was wholly beyond his power to control.

On the 14th of May, 1639, occurred the " Trot of Turreff;" on which occasion, some 1200 of the Covenanters were surprised by a night march of the faithful barons, and " scampered out of " the town, as the loyalists scampered in." The result of this dashing affair was to place Aberdeen in the power of the " Malignants." Montrose, however, instantly flew across the Grampians, and entered that ill-fated place, on the 25th of May, at the head of 4000 men, the barons having retreated at his approach. The town, it appears, from Spalding, was miserably ill-used, on Sunday, May the 26th, " by the rascal soldiers, who plundered it " pitifully, without regard to God or man, while Montrose and " the rest of the nobles heard devotion." Among their magnanimous exploits, on this occasion, was the massacre of all the dogs in Aberdeen:

> " Mastiff, grey-hound, mongrel grim,
> Hound or spaniel, brach or lym,
> Or bob-tail tyke, or trundle-tail,—"

all fell, in one indiscriminate slaughter, by the edge of the covenanting sword! It appears that certain daft jades, in wicked derision of the " *Army of God,*" had decorated the " craigs" of these ill-starred quadrupeds with knots of blue ribband, the distinguishing badge of the warriors of the Covenant: an insult to be expiated only with blood! But, neither this mighty sacrifice, nor the surrender of arms, nor the exaction of another 10,000 marks from the town, to save it from pillage, nor the plunder of mealgirnels, nor the suffocation of fowl, cock, and hen, throughout the country round,—were sufficient to appease the wrath of the crusaders. "Their great revenge had stomach" for all this, and indeed for a great deal more. "Aberdeen"—says Baillie —" rendered at once. All was carried before us. But, ere it " was long, our forces likewise disbanded; as was thought, " on some malcontentment, *either at Montrose's too great lenity in* " *sparing the enemies' houses,* or somewhat else." The good town, on the other hand, seems to have exhibited but little of the docility of the eels! It had not *got used* at all to the process of peeling. " Why,"—said the representatives of this persecuted place,—" why are we thus used? You required of us to sub- " scribe the Covenant, *at your sword's point;* and, we did so. " We are Covenanters. Yet are we the only burgh, through

" covenanting Scotland, which is not suffered to abide in peace, " but is kept in continual perturbation and misery." The reply of Montrose to this touching and spirited remonstrance must, surely, have risen up in judgment against him, in after times, and tormented him with the pangs of intolerable remorse. " True" —he said—" you subscribed the Covenant, but you have broken " faith, and are not good Covenanters. For, *you have endea-* " *voured to stir up the king himself against the cause*, and you " have received and entertained the plundering and oppressive " barons; and, therefore, the town of Aberdeen is neither to be " trusted or believed." This was the language of Montrose to unfortunate men, whose only fault it was that they sought the means of extrication from a foul conspiracy which their souls abhorred, and into which they had been driven *at the sword's point;* and whose weakness disabled them alike for resisting the oppressions of their enemies, or for rejecting the turbulent and dangerous good offices of their friends and patrons! Mr. Napier, we are grieved to find, sees in all this little more than a proof of the sincerity of his hero. If so, it must have been the sincerity of one who was steeped, to the very lips, in the gall of bitterness, and had lost, for the time, all sense of right. In our humble judgment, the remembrance of this heartless and most ungenerous rebuke ought to have been worse, to James Graham, than the bitterness of death itself.

But the Covenanters had not yet quite done with the *false* town of Aberdeen. The course of their warfare brought Montrose there again in the June following. According to Baillie's account, their intention was, " to have *sacked* it *orderly;* that, " thereafter, the town should have done the nation no more " *cumber.*" True to their instructions, Marishal and Muchalls insisted that the place should be burned without mercy, conformably to the warrant of the Committee. Montrose recommended a night's consideration: and, the result of this delay was, that his colleagues changed their opinion, urged him to spare the place, and gave him their own sanction to this act of grace, with their own signatures affixed. This saved the town from destruction. Nevertheless, when Montrose was under accusation, next year, one of the charges against him was, " that he had not " burned Aberdeen, as he had orders from the Committee of " Estates." And, the wrathful Sanhedrim were scarcely pacified by the production of the merciful guarantee above mentioned.*

We are now arrived at the treaty of Berwick,—a most critical and interesting period in the biography of Montrose, and which

* James Gordon's MS.

has usually been regarded as the real point of contrary flexure in the trajectory of that remarkable luminary; although the deviation from his original course might not, for a time, be clearly discernible to the public eye.

It is well known that the *pacification* of Berwick brought no *peace!* It scarcely suspended for a moment the progress of revolt. The terms of that treaty, as Mr. Hallam allows, were enormous in concession; though he qualifies the admission by the assertion that they afforded pretexts for new encroachments. In this opinion, he seems to follow precisely the train of thought which passed through the mind of the chronicler of the Covenant, with reference to the same period. "If God," says Baillie, "be "pleased to bring upon us the year of our visitation, the devil "could never have invented so pregnant a means; and ruin, this "while, one and all, from the prince to the ploughman. For, "will the prince, at the clergy's desire, go on in violence to press "their course?—the mischiefs are present, horrible, in a clap! "Will he relent, and give way to our supplications? the danger "is not yet passed. We wot not where to stand. When the "book of canons and service are burnt, and away,—when the "high commission is down,—when the articles of Perth are made "free,—when the bishops' authority is hemmed in with never so "many laws,—this makes us not secure from their future danger. "So, whatever the prince grants, I fear that we press *more* than "he can grant; and, when we are fully satisfied, it is likely Eng-"land will begin where we left off." That the Covenanters "wot not where to stand," soon became pretty evident. On the 2nd of July, 1639, the lord treasurer, Traquair, was brutally assaulted in Edinburgh. Lord Loudon was despatched to the king at Berwick to excuse the outrage. He returned with an order from his majesty, that fourteen of the leaders of the Movement should attend his court in order to arrange his progress into Scotland, for the purpose of holding a parliament and general assembly: and it was a most ominous circumstance, and one that presaged but ill of the stability of the *pacification*, that all but three of the demagogues manifested their distrust of the king, by declining obedience to his summons. Those three were Rothes, Lothian, and Montrose. And it seems to have been pretty generally assumed, that Montrose returned from his visit to the court an altered man.

The evidence brought forward in support of this confident surmise appears to us very far from satisfactory. That the gracious demeanour of the king may have made some impression upon a chivalrous and high-minded young nobleman, is, indeed, far from improbable. For, even Baillie confesses that his majesty was always better loved the longer he was known, and was acknow-

ledged, by all who heard him, to be "one of the most just, reasonable, and sweet persons they ever met with." But, that the fascination of the royal presence was sufficient to overpower, in a moment, Montrose's fidelity to the Covenant, is a conclusion to which his enemies might *leap*, but to which they could scarcely win their way by any legitimate or reasonable process. Of any attempt, on the part of the king, to seduce him by an appeal to his avarice or his ambition, no proof, that we are aware of, has ever been produced.

But then, it has been alleged, that after his return from Berwick, a manifest change came over him. His allegiance to the cause, it has been said, began visibly to wane before the eyes of the parliament which assembled in August 1639: for there, as Bishop Guthrie tells us, he "argued somewhat," in resistance to certain monstrous propositions, which were launched by that revolutionary convention, against the undoubted prerogatives of the crown. That he *then* began to smell treason, is likely enough. The only wonder indeed, is, that he did not smell it before; for, the scent had lain breast high! By this time, however, the odour was so rank and foul, that nothing but some inveterate distemper could have deadened the dullest nostril to the evil savour. And then it was, that rumours of his meditated defection first went abroad. "The zealots," says Guthrie, "became *suspicious* "of him, that *the king* had turned him, at his being with his ma-"jesty at Berwick." Whisperings to his prejudice were immediately heard among the vulgar in the streets: and, the next morning, he found a paper fixed to his chamber door, on which these words were written,—*Invictus armis, verbis vincitur.*

In the lawless parliament of 1640, we find Montrose *arguing* again, and grappling with the most desperate men of his own faction. "Montrose," says Archibald Johnson,* "did dispute "against Argyle, Rothes, Balmerino, and myself; because some "urged, that, as long as *we had a king*, we could not *sit without* "*him*; and it was answered that, to *do the less* was more lawful "than to *do the greater*." Mysterious and oracular as these words appear, we can scarcely affix to them any meaning but one; namely, that to sit in parliament without the king, was a violation of law considerably less atrocious than to dispense with the kingly function altogether. Montrose was, probably, unable to discern the value of this fine and delicate distinction. To hold a parliament without the king, was, virtually, to expunge the royal authority from the constitution. The conscience which could take the first step, was not very likely to halt at the second. Besides, the very mooting of such questions savoured strongly of rebellion.

* In an original MS. letter.

It is, therefore, scarcely surprising that the eyes of Montrose should be gradually opened to the dire possibility that a scheme was in agitation for the deposition of his majesty; and, that his confidence in the integrity of his covenanting brethren should begin to ebb away. His suspicions, and his conduct, up to this time, are surely capable of sufficient explanation, without resorting to the injurious hypothesis that his fidelity had been disarmed by the condescension, or corrupted by the promises, of his sovereign.

In spite, however, of all his misgivings, he still remained the soldier of the Covenant. He may have, already, seen and heard quite enough to make him keenly watchful; enough to awaken him to a jealous inspection of the projects and movements of his colleagues; but, not enough to urge him to an open desertion of the standard under which he hitherto had marched. Accordingly, about the middle of August, 1640, he appeared on the banks of the Tweed, together with the host which was destined to uphold the sacred cause of insurrection in England. And, here occurred a scene which is familiar to every reader of history. The chiefs were assembled; and the dice were cast, to determine who should have the honor of leading the way across that *Rubicon*. It so happened, that the lot fell upon Montrose. He obeyed the call with conspicuous alacrity. He plunged into the river on foot; waded through the stream; and then returned to encourage his men. His hardihood and gallantry animated the whole army. The river was passed triumphantly. And the Scots were, shortly after, in possession of Newcastle.

The next exploit of Montrose was of a very different description. "His pride," Baillie tells us, "was long ago intolerable, "and his meaning very doubtful." But now, the "*generous and noble youth*" was found to have intercourse of "letters with the "king; for which, he was accused publicly, by the general, in "the face of the committee." The fact could not be denied. Towards the end of September, 1640, Montrose did, undoubtedly, *contrive* to convey a letter to his majesty. And the committee,—being omnipresent, even in the royal bedchamber,—*contrived* to get a copy of it! Montrose avowed and justified the fact. He maintained that he had a right to address the king. And it was no easy matter to gainsay his vindication. True, it was decreed, by the articles of war, that "no man, without warrant of my lord "general, should have or keep intelligence with *the enemy*, under "pain to be punished as a traitor." But then to deal with Montrose as a traitor, for corresponding with his majesty, would be neither more nor less than openly to denounce his majesty as *an enemy;* in other words, to declare war against him. And this

could hardly be done by the warriors of the Covenant, without writing themselves down traitors also: more especially, as those same articles of war had expressly provided that "any man should "be punished as a traitor, who should *open his mouth* against the "king's majesty's person or *authority*, or should presume to touch "his sacred person." Nevertheless, there can be little doubt, that, from this moment, the patriots were fixed on the destruction of his majesty's correspondent.

An incident speedily occurred, which armed the committee still more formidably against their *false brother*. In November, 1640, Argyle managed to ferret out the fact, that, shortly before he crossed the Tweed, Montrose had got up a sort of pocket Covenant of his own. He was instantly summoned, together with the other noblemen who had joined him in this private *bond*. With his usual intrepidity, he at once acknowledged the proceeding. The *ministers* were *zealous unto slaying*. They insisted that the lives of the conspirators should go for it. But it was thought that the conspirators were, as yet, too strong to be roughly handled. They were, accordingly, allowed to escape, with a declaration, under their hands, that they intended nothing against the public; and, with a surrender of the bond, which was committed to the flames.

Why it was committed to the flames, it must have been rather difficult to see: for, if the bond contained offensive or *traitorous* matter, the circulation of it would have been invaluable to all who were desirous of ruining the credit of Montrose. As it was, the public were left to conclude that it was either perfectly harmless, or awfully dangerous, according to their political feelings and prepossessions. By Baillie, indeed, it is stigmatized as "Montrose's "*damnable* band, by which he thought to have sold us to the "enemy." Previously, however, to Mr. Napier's publication, the world had been left without the means of judging whether, or not, any *damnable* quality belonged to it. But, Mr. Napier has been fortunate enough to find, among the manuscripts of Sir James Balfour, a transcript of this long lost document, and of the subsequent declaration of the parties to it. We insert them both, as an accession to the authentic materials of history.

"*The copy of the Bond subscribed by Montrose and the rest of these Noblemen.*

"Whereas we under-subscribers, out of our duty to religion, king, and country, were forced to join ourselves in a Covenant for the maintenance and defence of either, and every one of other in that behalf. Now finding how that, by the *particular and indirect practising of a few*, the country, and cause now depending, does so much suffer, do heartily, hereby, bind and oblige ourselves, out of our duty to all these respects

above mentioned, but chiefly and namely *that Covenant* already signed, to wed and study all public ends which may tend to the safety both of religion, laws, and liberties, of this poor kingdom; and, as we are to make an account before that Great Judge at the last day, that we shall contribute one with another, in a unanimous and joint way, in whatsomever may concern the public, or this cause, to the hazard of our lives, fortunes, and estates, neither of us doing, consulting, nor condescending in any point, without the consent and approbation of the whole, in so far as they can be conveniently had, and time may allow. And likeas we swear and protest by the same oath, that, in so far as may consist with the good and weal of the public, every one of us shall join and adhere to others, [each other] and their interests, against all persons and causes whatsoever, so what shall be done to one, with reservation foresaid, shall be equally resented and taken as done to the whole number. In witness hereof, &c.

"The subscribers of the principal bond, and in this order. Marschell, Montrose, Wigton, Kinghorn, Home, Athol, Mar, Perth, Boyd, Galloway, Stormont, Seaforth, Erskine, Kircubrycht, Amond, Drummond, Johnston, Lour, D. Carnegy Master of Lour."*

From these instruments two things may be collected;—first, that Montrose, and his little party, still professed their allegiance to the *original* Covenant, and retained their persuasion that it was a legitimate and necessary bond of union. Secondly, that this same Covenant was, as they believed, in imminent hazard of becoming hateful and pernicious, through the abuse of it by an unprincipled faction. But the time was now fast approaching which was to give Montrose an opportunity of explaining his own motives to his own colleagues and associates. In May, 1641, we

* "The copy of the declaration subscribed by Montrose and the rest of the noblemen that subscribed the bond.

"We under-subscribers conceiving that there was some indirect practising against the public, which induced us to enter in a particular bond among ourselves, conceived by us not to be prejudicial to the Covenant; and because the adversaries of the common cause did hereby build their hopes, that we thereby intended a division, which was and is contrary to our minds and intentions, and also that the committee thought it incumbent to them to interpose themselves in the seeming breach, as well to stop the mouths of our common enemies, as to remove all other mistakings and apparent divisions, therefore we, to free ourselves of all such suspicions, and to testify our sincere affection to the public, declare that what was done by us, in subscribing that bond, was done out of no evil or divisive intentions, or against our national oath; and that the bond should breed no offence to any person to the prejudice of the public, we have delivered the same, to be disposed upon as may best tend to the public behoof; and that no jealousies, mistakings, or heart-burnings be entertained by us hereafter, but that all and every one of us, joined in the national Covenant, may, according as we are obliged, be knit together as one man, to the maintenance of religion, king, and country, shall eschew all occasions which may give cause of offence to the public. Likeas we are not accessory to any other bond besides this, according as we have already declared. Subscribed at Edinburgh, 28th of January, 1641.

"The subscribers of this declaration are these: Mar, Montrose, Wigton, Kinghorn, Home, Galloway, Seafort, Erskine, Kilcnbright, Drummond, Johnston, Lour."—*Denmiln MSS. 13, Advocate's Library.*

find the august Committee of Estates, assembled in solemn Session, to inquire into a charge of leasing-making preferred against a distinguished member of their own body,—no other than James Earl of Montrose. The chief deponent was Robert Murray, minister of Methven,—the same man to whom we have before adverted, as mainly instrumental in bringing the earl over to the national cause. On the same day, Montrose was subjected, in person, to interrogatories, by the committee. In his answer, he protested that he was wronged "by the scandal upon the *Bond;* "which was *not* against the *Covenant* or the country." His reasons for entering into that private engagement were various. *First,* —he had heard rumours of a design for the appointment of a dictator; which rumours, though he did not trust them, made it incumbent upon him to take measures for the purposes of defeating any such project. *Secondly,*—that certain bonds, or engagements, had been drawn up, and tendered for subscription, the tenor of which was various; but all of them with the same object, —namely, to place the people in subjection to certain particular persons. *Thirdly,*—he affirmed that there was an intention to *canton* the whole country; that is, to partition it out, in districts or provinces, among certain members of the covenanting body, in case the project of a Dictatorship should fail. And, lastly,— he had been apprised of a design for the deposition of the king, which was to be the first act of the next ensuing session of parliament; and that several lawyers and divines had pronounced that, in certain emergencies, such a proceeding would be lawful; for instance, in case of the king's selling, deserting, or invading the country. He, further, confessed that he understood Argyle to be the man destined for the Dictatorship, and, moreover, as the person who had spoken of the dethronement of his majesty. And he added that he was not the author, or inventor, of these things; but that they had been communicated to him by other persons.*

Upon this there followed a labyrinth of investigation, through the intricacies of which it is quite impossible for us to conduct the reader. Our space forbids the attempt to exhibit any thing like an adequate analysis of the vast mass of evidence, collected by the industry and zeal of Mr. Napier. We must satisfy ourselves with first inserting the brief, and, (we must say, with Mr. Napier, not very impartial), epitome of those transactions, which he has produced from Mr. Malcolm Laing's History of Scotland; and, then, with offering a few remarks upon that statement.

"The Scots," says Mr. Laing, "in consequence of a solemn obligation inserted in their covenant, to abstain from separate, or *divisive* measures,

* Original MS. papers, in the Advocates' Library; hitherto not printed.

had hitherto preserved a degree of union perhaps unexampled, to which they were principally indebted for their past success. But for an opportune discovery that union was almost dissolved. Impatient of a superior, and conscious of military talents unmarked by his countrymen, Montrose was unable to brook the pre-eminence of Argyle in the senate, or of Lesley in the field. His expectations of the supreme command were disappointed; and, at Berwick, the returning favour of his sovereign had regained a nobleman, originally estranged from the Court by neglect, and detached from the Covenant by *secret disgust*. His correspondence with Charles was detected during the treaty of Rippon; and a bond, or counter association, was discovered, to which he had procured the subscription of nineteen peers. The Committee of Estates were *averse to division*, and disposed to rest satisfied with the surrender and formal renunciation of the bond; conciliatory measures were disappointed by a report, which Montrose had propagated, injurious to Argyle. Stewart, commissary or judge of the Consistorial Court of Dunkeld, was produced as his author, according to whose information, Argyle, in the presence of the Earl of Athol, and eight others his prisoners, declared that the Estates had consulted divines and lawyers, and intended to proceed to the deposition of the king. An allegation so little reconcileable with his characteristical prudence was susceptible of a complete and immediate proof. But the fact was denied by the witnesses present, and retracted by Stewart, who was arraigned and convicted on a train of statutes which were sanguinary then; and to the alternative of confirming the public report, that he had been induced to retract the charge by an assurance of life, Argyle inhumanly preferred the execution of those iniquitous laws on which Balmerino was condemned. Stewart's information had been secretly transmitted by Montrose to court; but the messenger, on his return, was intercepted by Argyle. Whether the facility with which the king might assume the command of the army, or acquire an ascendancy by his presence in parliament, was suggested by Montrose, the discovery of *an obscure correspondence* in cypher excited a *general alarm*. The king, on his arrival in Scotland, had the mortification to find that Montrose and his friends were imprisoned in the castle, and the detection of the *Banders and Plotters* had exasperated the prosecution against incendiaries." —pp. 417, 418.

Upon this compendious summing up of the matter, we have to observe as fellows:

1. Montrose is accused of an attempt to cause a schism in his own party. But, here, the question must arise, whether the charge of schism does not recoil on the head of his accusers. In a season of general infatuation, he had ranged himself under the banner of the Covenant, as many other moderate and well-meaning men had done; and, among them, his venerated brother in law, Lord Napier. But, in the course of time, he discovered,—or fancied himself to have discovered,—that the Covenant had become little better than a very flimsy cloak of loyalty, "thickly lined with the "fox-fur of hypocrisy." He found,—or believed that he had

found,—that the great National Compact was now, in effect, neither more nor less than a dangerous confederacy, at the head of which were a knot of desperate men, intent on their own aggrandizement, and the depression of the crown. Whether, or not, these apprehensions were well-founded, is a totally distinct question. But, if his impressions were truly conscientious, the worst that could be *fairly* said of him, was, that he was a weak and overscrupulous alarmist: not that he was a false brother, and an apostate from the national cause. It was not to be supposed that every one who had joined the Covenanting *Union* had, thereby, pledged himself to every imaginable extremity of violence, or surrendered his own judgment and conscience, bound hand and foot, into the keeping of its leaders. In politics, as in religion, the guilt of schism is, sometimes, divided between those who desert, and those who, by their corruptions and iniquities, go far towards making desertion almost a duty. If then, Montrose was a *Schismatic*, what—we would ask—were his persecutors and accusers?

2. But, Mr. Malcolm Laing will allow Montrose no credit for sincerity, whatever. He was seduced by the returning favour of the king. He was jealous of Leslie and Argyle. He was disappointed of the supreme command. And many are the chroniclers of those heavy times who have tamely and heedlessly acquiesced in this solution of the matter. Now, human motives, we all know, are, for the most part, of a mingled composition. We will not, therefore, undertake positively to affirm that the loyalty of Montrose was, every grain of it, "fine gold," wholly unmixed with any baser material. It is not impossible that,—with his "frame of adamant, and soul of fire," and high military endowments,—he may have been somewhat impatient of an inferior rank; though, perhaps, without any distinct consciousness of being otherwise than single-eyed and single-hearted. And, it may have been this feeling which, occasionally, vented itself in complaints that he was not admitted to the secrets of the leading men. The only other expression of his own,—(so far as we can recollect),—which can be tortured into an indication that he was *personally* dissatisfied with his position, fell from him in a conference with one Colonel Cochrane, of the covenanting army, to whom he said, that he, Montrose, was a man *envied, and that all means were tried to cross him.** And these words we leave the adversaries of his memory to make the most of. But, taking his whole history together, we protest that we are unable to discover in it any evidence at all sufficient to warrant the confident assertion, that defeated ambition was the

* Napier, vol. i. p. 330.

cause of that *disgust* which detached him from the Covenant, or, rather, from the covenanting leaders. At all events, we must not be content to receive our impressions of Montrose, from the *pencillings* of men, who sometimes extolled him as a "true hearted cavalier; a generous and noble youth;" and who, at other times, bitterly complained of him as "hard to be guided," and "of intolerable pride."

3. The private bond above adverted to, is described by Mr. M. Laing, (who, probably, never saw it), as 'a counter-association. In one sense, a counter-association it certainly was. But, its professed object was, to counteract, *not* the Great National Covenant itself, but "the particular and indirect practising of a few;" by which the national cause was suffering grievous damage, and all the better purposes of the Covenant defeated. Whether such an association were the most manly and ingenuous of all possible expedients for confounding the projects of the dominant faction, is a question which may, perhaps, fairly admit of some discussion. To those, who are quietly considering the matter by their firesides, it may possibly appear that Montrose would have followed a more magnanimous course, by telling his colleagues, to their faces, that, unless they would moderate their proceedings, he would instantly withdraw his services and his support. It must, however, be remembered that, by so doing, he would, most probably, have consigned himself to inevitable and swift destruction. The doom of treason, and the ban of excommunication, would, in that case, incontinently, have issued from the brazen throat of the Covenant trumpet. Or, had he escaped into England, it must have been without the following and the resources which he might hope to keep together for more hopeful and favourable times. Even as it was, he placed his life in imminent peril, by prematurely and incautiously disclosing that it was his intention to impeach Argyle, and others, of high treason, so soon as he should have openly cleared himself of the suspicion, that he had fallen away from his fidelity to the original and genuine Covenant.

4. Montrose, it is further alleged, had defeated all measures of conciliation, by propagating a report that Argyle meditated the deposition of the king. According to the best judgment we are able to form, from the evidence preserved to us, his proceedings, with regard to this matter, were, to say the least, decidedly injudicious and precipitate. Certain dark *mootings*, indeed, (as we have already seen,) had been heard by him, in parliament, which seemed to threaten some dangerous and even treasonable experiments upon the constitution. And his alarms were aggravated by the intelligence he received from an informer, who turned out to be of very questionable trustworthiness. He further

declared, on his subsequent examination before the parliament, that " he had heard *much noise and buzzing*, anent the words, for " deposing the king, alleged to have been spoken" by Argyle: but that he was unable to recollect any particular person who had conveyed such information to him, with the exception of John Stewart, the witness above-mentioned. If this were all the proof in his possession, it must be confessed that he was but slenderly armed for an adventure so formidable as a prosecution for high treason, directed against the most powerful subject in Scotland. And yet, on the other hand, his own confidence in the strength of the case he had to produce, appears to have been almost unlimited. In a conversation with Colonel Cochrane, he declared himself able to *prove* that certain " of the prime leaders " of the business in the country were guilty of high treason, *in " the highest manner*; and that they had entered into motions for " deposing the king." And in a subsequent conference with the same person, at Newcastle, he drew him aside, and recurred to the same subject, by asking him whether he doubted that he, Montrose, was able to prove what he had affirmed some days before? And, probably, he would have entered more deeply into the matter, but that Cochrane became alarmed, and begged that the conversation might drop.* But, whether the impressions of Montrose were unreasonably exaggerated or not, the event showed clearly that there was some substantial cause for apprehension. It may be true that the *formal* deposition of his majesty may not have entered into the designs of Argyle, and his directory. But, there can be no doubt that they had resolved on reducing the king (as Mr. Carlyle might probably express it) from a *reality* to a mere *formula*. How,—by the aid of these same *loyal* covenanting Scots,—the *reality* was extinguished, and, eventually, the poor *formula* too, is, of course, well known to every school-boy.

There is one thing which, above all others, satisfies us that the alarms of Montrose were unaffected. His brother-in-law, Lord Napier,—his " guide, philosopher, and friend,"—began, about this time, to be smitten with dismay at the perilous condition of the monarchy. Napier, it must be remembered, was notoriously one of the most upright, honourable, loyal men in Scotland. He had imbibed, from his illustrious father, it is true, a deep abhorrence of Popery, and, with it, unfortunately, a settled dislike of episcopal government. But, he was, also, trained to principles of devoted attachment to the crown; and was, accordingly, recommended by James, on his death-bed, to Charles I., as a man wholly " free from partiality, or any factious humour." Never-

* Cochrane's Deposition, 29 June, 1641, Napier, vol. i. p. 330.

theless, in undoubted integrity of heart, he joined the Covenanters. And, now,—when the Covenant was used by them as a *crow-bar*, to heave the constitution over,—with the same integrity of heart, he withdrew his hand from it. It has never been pretended that *his* defection was the result of interested or unworthy motives. *He* had no interview with the king at Berwick. He had no *personal* discontent to pacify. He had no ambition clamorous for the sacrifice of his principles or prepossessions. And we cannot doubt, for a moment, that if he had seen reason to suspect Montrose either of a bastard patriotism, or a mongrel loyalty, he would, at once, have abjured all society or co-operation with him. But, so far was he from this, that he and Montrose appear to have been, throughout, essentially identified: so identified, that, at the period now in question, they were sent to prison together, as "*banders and plotters*," and, there, experienced that sort of justice which is usually administered by revolutionary tribunals. The evidence on which they were committed, was given by Col. Walter Stewart; who deposed that he had been, occasionally, at the houses of Napier and Montrose, in company with two other gentlemen; that he had, there, been entrusted with some instructions to Traquair at court, the object of which was to persuade the king to visit Scotland, and, after settling the peace of the kingdom, to bestow the great offices of state on those who should be most deserving of such honours. Moreover, certain mysterious and scarcely intelligible papers were found on Stewart's person, which he affirmed to have been dictated by Montrose, in the presence of his friends, and which, it was concluded, *must* have conveyed matters highly dangerous to the state. And, for this, as Napier complained, the "*plotters* were threat-
" ened with loss of fame, life, lands, goods, and gear, and were to
" be incapable of place, honour, and preferment:—a sore sen-
" tence, any man will think, after the matter be well-tried and dis-
" cussed!"*

During his imprisonment,—if some historians are to be credited,—Montrose grew up, from a *plotter* and an *incendiary*, into the mature and perfect villainy of an *assassin!* This outrageous imputation, indeed, originated with Clarendon; who, under some unaccountable mistake, affirms that, "after his majesty arrived
" in Scotland (1641), Montrose by the introduction of Mr. W.
" Murray of the bedchamber, *came privately to the king*, and in-
" formed him of many particulars of the rebellion, and that the

* His sense of the matter is thus expressed, in a private paper of Napier's, found in the Napier Charter-chest, and never before published. Napier, vol. i. p. 420—422.

" Marquess of Hamilton was no less faulty than Argyle, and of-
" fered to make proof of all in parliament; but, *rather desired*
" *to kill them both, which he frankly undertook to do:* but, the
" king *abhorring* that expedient, though for his own security, ad-
" vised that the proof might be prepared for the parliament.
" When, suddenly, on a Sunday morning, the city of Edinburgh
" was in arms, and Hamilton and Argyle both gone out of the
" town to their own houses, where they stood upon their guard;
" declaring publicly, that they had withdrawn themselves, because
" there was a design to assassinate them."* So far as Montrose is implicated, Hume disposes of this strange story by the simple remark, that, " all the time the king was in England, Montrose " was confined to prison." Yes; and so close was his confinement within the Castle, that, without warrant of the parliament, it was impossible for him to hold communication with any human being. Nevertheless, Mr. M. Laing has taken up the tale, and tells us, with inimitable composure, that, " as Montrose was " then in prison, the *interview* was obtained, *indirectly* through " the intervention of *Cochrane;* but, that Clarendon's informa-
" tion is otherwise correct:" a statement very easy to make; whether so easy to prove, we shall presently see. Then comes the version of Mr. Brodie, who assures us that that " Montrose, " having *opened a fresh correspondence* with his majesty, through " Mr. W. Murray of the bedchamber, still insisted that evidence " might be procured against the Hamiltons and Argyle; but " advised, *as the simplest way*, to cut them off by assassination;
" which he 'frankly undertook' *to furnish the means of accom-*
" *plishing.*" And, " for this portion of secret history," Mr. " Brodie tells us " we are indebted to *Clarendon.*" Why, Clarendon might, really, be almost puzzled to know his own story again, pieced, and varnished, and padded, as it is, by the skilful hand of modern ingenuity. And, lastly, Mr. D'Israeli, in a wonderfully off-hand sort of manner, speaks of " *that* frank " offer of assassination, which the daring and vindictive Mont-
" rose *would not have hesitated to have performed by his crea-*
" *tures;* for, he was, himself, then confined in the Castle by the " Covenanters." The matter, therefore, is settled for ever! Montrose, we are to believe, was, at heart, a murderer. And the king, we are further to believe, was far too high-minded and humane to listen, without *abhorrence*, to Montrose's base and sanguinary proposal. And, lastly, we are to reconcile, as we best may, these *facts*, with another most undoubted fact; namely, that, on that 7th May, 1642, his majesty addressed to the very same man,

* Clarendon, vol. ii. p. 17, 18, Oxf. ed. 1826.

who, a few months before, had outraged and insulted him with this most dishonourable and flagitious offer, a letter commencing with the following sentence;—" Montrose, I know I need no " arguments to induce you to my service. Duty and loyalty are " sufficient to *a man of so much honour as I know you to be.*"

The assassination plot, above alluded to, is usually known by the name of the *Incident;* certainly one of the most obscure, smouldering, fuliginous passages in history! The Gowrie conspiracy itself is scarcely more perplexing. Day after day, did the king demand an open investigation of the matter; and, day after day, was this righteous demand resisted by the parliament. Wearied out, at last, he consented to a secret inquiry; the results of which were concealed from the public, and transmitted to England; where they, possibly, may still be lurking in the State Paper Office. But, to return to Clarendon. Upon what evidence or information it was, that he committed his statement to paper, it would be difficult to imagine. It was, obviously, written in total ignorance of one essential circumstance,—the incarceration of Montrose. And it manifestly implies the almost incredible circumstance, that Montrose obstinately persevered in preparing the " bloody business," which the king had interdicted with abhorrence. In the midst of all this confusion, however, we are not left altogether destitute of guidance: for, Mr. Napier has called our attention to the curious fact, that Clarendon has virtually corrected himself, by telling the same story elsewhere, in a different way. It is well known that, in the Oxford Edition of Clarendon's History, 1826, the text is given precisely as it was published by the sons of Clarendon; but, that this text has been carefully collated with the author's *original MSS. in the Bodleian Library;* and that, wherever it varies, even in a single word, such variation, as well as all the omitted parts, are to be found in the notes at the foot of the page, or in the Appendix at the end of the volume.* Now, the brief notice of the Incident, above cited, is found in the *text* of vol. ii., as originally published. But, then, the Appendix B. to that same volume, presents us with a much more copious account of the mysterious affair in question: and from whence?—even from the author's *original MSS. in the Bodleian Library!* And, it is most remarkable, that this more copious account contains not one syllable to fix upon Montrose " the deep damnation" of a murderous design against Hamilton and Argyle. It is wholly silent as to any such proposal on the part of Montrose. The passage is somewhat too long for the insertion of it entire. The

* See the Editor's Advertisement, at the beginning of vol. i.

following, however, is the substance of it. On the king's arrival in Scotland, he was informed by some, who were in correspondence with Montrose, that Hamilton and Argyle were in traitorous combination for his majesty's destruction; and he was strongly urged to consent to their prosecution for high treason. But, although these importunities were supported by the confident assurances of William Murray, of the Bedchamber, the king was averse to so desperate a measure against two noblemen of such high name and influence. About the same time, a challenge was sent to Hamilton by the Lord Carr, the bearer of which was the Earl of Crawfurd: but, care was taken to prevent the threatened mischief. When, "upon a sudden," (and here we follow the Appendix *verbatim*)—"two or three days before the session was thought to end, the two great Lords, Hamilton and "Argyle, at midnight, with such followers as were at hand, fled "out of the town to a house of the Marquess of Hamilton's, "some miles distant from Edinburgh, where they stood upon "their guard; their dependents giving it out that there was a "plot to have murdered them. The town was presently in an "uproar, the gates shut, and guards set, and the parliament "there in great disorder and apprehension; while the two lords "writ letters both to the king and the parliament, of great conspiracies and combinations entered into against them; not "without some reflection upon his majesty. The king desired "the parliament to be careful in the examination of all particulars; who, thereupon, made committees. And, after some days "spent in taking the depositions of such witnesses as offered "themselves, and of such other persons as they thought fit to "produce, the lords return to Edinburgh; not without some "acknowledgment to the king of an *over-apprehension;* though, "otherwise, they carried themselves like men that thought they "were in great danger. That which gave most occasion of discourse, was, that, from that time, William Murray,—who was "the only, or the most notable, prosecutor and contriver of whatsoever was to have been done in the business, and was, before, "understood to be a most avowed enemy to Marquess Hamilton, "—grew to be of a most entire friendship with him, and, at defiance with the Earl of Montrose; with whom, till then, he "had so absolute a power, that, by his skill and interest, that "earl was reduced to the king's service. And, I have heard the "Earl of Montrose say that he [William Murray] was the only "man who discovered the whole counsel to the marquess, after "he had been a principal encourager of what had been proposed "to the king, and an undertaker to prove many notable things "himself." And, then Clarendon adds,—"whatever was in this

" business,—(and I *could never discover more than I have here* " *set down, though the king himself told me all that he knew of it,* " *as I verily believe*),—it had a strange influence at Westminster, " and served to contribute to all the senseless fears they thought " fit to put on."*

How the narrative in the text found its way there, in preference to that in the author's manuscript, it would be idle to conjecture. The question is, which of the two is better entitled to our credence,—that which was penned when Clarendon was so imperfectly informed as to be ignorant of Montrose's imprisonment?—or, that which was drawn up when his knowledge of the circumstances was, evidently, more complete, and derived from information given by the king himself? And, this question we must leave our readers to answer, each according to his own judgment.

And now, to revert, for a moment, to Mr. M. Laing, and Mr. Brodie:—So far as we can make out, Mr. Laing must have reasoned thus with himself;—" Clarendon was clearly wrong in " asserting that Montrose had an interview with the king; for, " Montrose was, at that time, locked up in Edinburgh Castle. " But, then, it appears that Colonel Cochrane was brought by " William Murray to the king. Cochrane, *therefore*, *must* have " been the man who conveyed to his majesty the detestable pro- " position of Montrose." Now, it cannot be denied that Cochrane had an interview with the king. But, what evidence is there to connect that visit with any scheme or proceeding of Montrose? The king's own account of the matter was, that Cochrane had been " particularly recommended to him by his " sister (the Queen of Bohemia); and that he (Cochrane) had " some matters to impart, which nearly concerned the welfare of " the king's affairs; but, that his discourse was chiefly *of his own* " *praises*."† It is true that Cochrane adjured that " he might " not be revealed." And this anxiety is not at all surprising; especially when we recollect that Cochrane was a covenanting officer, and that on a former occasion, already noticed, he trembled to be within the same four walls with Montrose, on hearing from him that treason was abroad. Besides, Cochrane was among the deponents on whose testimony Montrose was committed to the Castle, for slandering Hamilton and Argyle. And yet, this is the man, who, as we are expected to believe, was selected by the prisoner for a confidential mission, the object of which was the assassination of those noblemen! Lastly, it does not appear that the examination of Cochrane, before the Com-

* Clarendon, Oxford ed. 1826; vol. ii. Appendix B., p. 575.
† Balfour's Notes, Napier, vol. ii. p. 88.

mittee, relative to the *Incident*, extorted one word to implicate Montrose.*

From Mr. Brodie, we hear nothing about Colonel Cochrane. In *his* visions, little William Murray is the angel of darkness, the messenger of blood! And, did it not actually come out, (Mr. Brodie may probably ask)—in the course of the investigation of the *Incident*, that little William Murray had been passing between the prison of Montrose, and the bed-chamber of his majesty, and had been the bearer of certain messages and letters? And, " would it not anger any heart alive" to hear it questioned that these messages and letters related to the destruction of Hamilton and Argyle? To be sure, it may seem rather strange that nothing is known to have transpired, in the course of the inquiry, which could establish any sort of connection between the flittings of William Murray, and the sanguinary project in question. And, still more perplexing is it, that, *at the time*, Montrose does not appear to have been brought under suspicion of a murderous proposal to the king, or of any concern whatever in the intended butchery, either by the Covenanters in Scotland, or by the movement-party in England.† But then, on the other hand, are not the depositions, most unfortunately, buried; or else, transferred to the limbo of things lost on earth? And, are we not thus compelled to rely mainly upon the solitary testimony of Clarendon? And may we not, with perfect confidence, rely upon his testimony, notwithstanding his imperfect information? For, was not Clarendon a Royalist; and, consequently, *instar omnium*, as a witness *against* Montrose? Somewhat after this fashion, one may presume, did Mr. Brodie " cipher out" this matter for himself; and so, (doubtless, greatly to his own satisfaction), arrive at the conclusion, that Montrose was a remorseless and blood-thirsty ruffian! But, what, if the testimony of Clarendon should fail him? What, if the Bodleian manuscript should be thought more trustworthy than the printed text? He may, indeed, insist on taking his own choice between them. We claim the same privilege. We, till better informed, stick to the *Bodleian Manuscript*.

Still,—it may possibly be asked,—if there were no foundation for the report that Montrose had volunteered his services, as cutthroat to the king, how should such a report have got abroad at all, and have found its way into Clarendon's published text? But, this is a question, to which, in the absence of all evidence, no answer can fairly or reasonably be demanded. No answer, indeed, can possibly be given, without resorting to conjectures. If, however, we *must* conjecture, let us imagine that, in a moment

* Napier, vol. ii. p. 88.
† Ibid. p. 109, 147, &c.

of impatience and indignation, Montrose had suffered some such words as the following to escape him:—"Confusion light upon "these traitors and rebels! Really it would be almost a good "deed to rid the earth of such miscreants, at once. I have half "a mind to get them despatched, myself." "To strike them "dead, I hold it not a sin." Expressions like these, we all know, will, sometimes, drop from the lips even of virtuous and honourable men, in seasons of agitation and excitement. And yet, no mortal who hears them, ever dreams of fixing upon them, as indications of a serious and deliberate design to commit murder! They are regarded merely as momentary ebullitions; as forms of speech, in which the speakers vent their abhorrence of turpitude and villany. That such expressions were ever actually uttered by Montrose we have no means of knowing, and no reason for believing. What we have suggested, is purely in the way of *hypothesis*. But, if he ever had so expressed himself, there were doubtless "swift witnesses" at hand, ready to report his words, and to wrest them to his dishonour and destruction. And thus *might* have arisen the rumour, that "he rather desired "to kill them all, and frankly undertook to do it." Be all this, however, as it may; historical justice protests against the doctrine, that the mere existence of an injurious report is to be held conclusive of its truth, unless its falsehood can be positively demonstrated.

We must conclude our imperfect notice of this dark affair, by observing, that Mr. Napier is more than half inclined to consider the *Incident* as a fictitious plot, craftily got up by the Covenanters themselves, for the express purpose of agitating and inflaming the whole realm, and, (as Clarendon expresses it), of "improving the "useful fears of the people."* He, moreover, surmises that little William Murray was a knave; that he was gained over by the faction; and that the sole object of his visits to the Castle was, to entangle and ensnare Montrose. That William Murray was a very slippery sort of personage, is exceedingly well known. That his sudden alienation from Montrose was thought, at the time, most unaccountably odd, we are informed by Clarendon. And, accordingly, we are free to confess, that, if further researches were to confirm, beyond all doubt, the suspicions of Mr. Napier, touching little William Murray, the discovery would produce no astonishment in us. With regard to Mr. Napier's hypothesis of the Incident, we can scarcely venture to *condescend upon* it, without some fuller and clearer information. We shall only say, that those who are most familiar with the history of revolutions, will, probably be the last to condemn this hypothesis as outrageously

* Clar. vol. ii. Appendix B. p. 578. Oxford ed. 1826.

ungenerous or extravagant. But,—with regard to Montrose,—in our humble judgment, the jury would be a most unscrupulous one indeed, that should venture to convict him, upon the evidence which seems to have given such plenary satisfaction to several of our modern historians.

When the Covenanters had extorted from the king the full measure of their demands, the prosecution of the *plotters* was dropped. Montrose, accordingly, regained his liberty; having, however, during his imprisonment, repeatedly and in vain, demanded an open trial. During the year 1642, he remained in privacy; a quiet, but not a heedless, spectator of the troubled world around him. In February, 1643, he was driven by his alarms to seek an interview at Newcastle, with the queen. But, although the royal standard had already been reared at Nottingham, his passionate efforts to pour his own fiery spirit into the counsels of her majesty, were defeated by the serpentine, if not perfidious policy of Hamilton. In 1644, his worst apprehensions were realized. It was decreed by the illegal and treasonable convention, that an army should go forth, under the banners of the Covenant—(now rebaptized by the name of the Solemn League and Covenant)—destined to uphold the rebellious parliament of England. And the captain of the host was to be his Excellency Field Marshal Leslie, now Lord Leven; that perjured and mercenary old traitor, who, on receiving his title from the king, in 1641, had wept over the royal hand, and vowed that he never more would serve against his majesty; but, on the contrary, would place his services at his majesty's command, without even asking in what cause those services might be required! Charles, it was said, had departed from Scotland "a contented king "from a contented people." And now behold, "a contented "people" assembling in arms against him, and prepared to cast their steel into the balance, and to cry—Woe to the vanquished!

From this moment, there can be no doubt, the face of Montrose was set like a flint against this mystery of iniquity. An attempt indeed had been made by Argyle, to lure him back to the standard of *the faithful*, by promises magnificent and profuse. In order to gain time, Montrose returned a dilatory answer to these proposals. He was desirous, he said, of a conference with Mr. Alexander Henderson, with a view to the solution of certain difficulties which perplexed him. The conference, accordingly, took place. On the day appointed, the mighty *Doctor Dubitantium* appeared on the banks of the Forth, hard by the bridge of Stirling. He was met by Montrose, accompanied by Lord Napier, and others of the *plotting* fraternity. After some preliminary compliment, Montrose declared that he could scarcely know how to guide himself in these distracted times, without

being distinctly apprised of the intentions and designs of Henderson's constituents. On this,—impatient to secure his catechumen,—the unwary doctor fairly let the cat out of the bag: and a very truculent monster the cat turned out to be! "It was resolved," he said, "to send as strong an army as could be raised, in aid of "their brethren of England; and the Covenanters had unani-"mously agreed to bring the king to their lure, or perish in the "attempt." He then burst into thanksgiving for the recovery of Montrose, and for the honour vouchsafed unto himself, as the minister and mediator of so great a work; and exhorted his supposed convert to trust implicitly to the good faith of parliament, as to all that related to his own personal honour and profit. Montrose then inquired whether these proposals were made on the authority of parliament. Sir J. Rullock—(who attended on the part of Argyle)—confidently affirmed that they were. Henderson, however, replied much more doubtfully. Whereupon, Montrose put an end to the conference, by declaring that he could form no positive resolutions upon such unsatisfactory and uncertain grounds; and left the two envoys to settle between them by whose fault it was that their mission had succeeded so ill.*

Montrose was, now, in full possession of the projects which were hastening to their calamitous development. He flew to the queen at Oxford—to the king at Gloucester—in vain. At length, however, in December, 1643, he obtained a conference with his majesty. In February, 1644, he was entrusted with the royal commission. And, in the April following, he unfurled the royal standard at Dumfries. On the 26th of the same month, the sentence of excommunication went forth, against him and his brethren in arms; and was, straightway, loudly echoed from every pulpit within the influence of the Solemn League and Covenant.

From this period, to the end of his course, the life of Montrose is much better, and more generally, known, than the time of his dark communion with the counsels of the froward and the faithless. His career, henceforth, may be reckoned among the splendid common-places of history. The exploits of "Mace-"donia's madman,"—or the deeds of the hook-nosed and straight-handed Roman, whose very name is identified with empire,—are scarcely more familiar to us, than the astounding adventures of James Graham. His achievements, indeed, frequently remind us rather of the fictions of the romancer, than of the sober prosaic realities of the annalist. It is but little, to compare his onsets to the sweep of the mountain torrent. They were, often, as if,—without a cloud in the sky, of the bigness of a man's hand,—without a fitful gust in the air to tell of abundance of rain,—the rush of mighty waters should suddenly be heard and seen in

* Napier, vol. ii. p. 215.

the dry ravine; and ruin should be abroad before men had time to think whence it came, or whither it would go. It is true, that all these wonders were enacted on a small and narrow scale; a scale almost contemptible when compared with the gigantic compass of old barbarian inroad, or, with those stupendous manifestations of physical and mental power, which distinguish the warfare of these later days. This, however, is a consideration which *we* feel ourselves incompetent to deal with. We are conscious of our total unfitness to pronounce, whether Montrose is to be estimated merely as a consummate guerilla-man; or, whether his mind would probably have been capable of expanding itself to the full exigency of vast and complicated military operations. Nevertheless, we cannot but fancy that there may be discerned, in him, some dim prefigurement, at least, of the genius of Napoleon:—the same electric and thought-executing rapidity of movement; the same concentration of force upon a given point; the same intuitive faculty, which sees its way, in an instant, through a maze of unexpected difficulties, and seizes, at once, upon the means of extrication; and, we may add, the same power of imparting to his followers the magic of his own inspiration.

But, unqualified as we are to judge of military matters, thus much, at least, we may venture, very confidently, to affirm,—that nothing can well be more contemptibly ridiculous, to say the least, than Burnet's disparagement of Montrose, upon the ground, that he "laid no foundation, and did not make himself master of the strong places and passes of the kingdom." Here was a man, whose utmost exertions could do no more than place him, from time to time, at the head of three or four thousand shaggy children of the wilderness,—and these always ready to desert him, the moment after victory, in order to return home, and house their spoil;—and, then it is gravely produced against him, as an impeachment of his military capacity, that he did not form his campaigns upon a regular scientific scheme, and plant a garrison in each of the principal fortresses of the land! It may, indeed, be a debateable matter whether, with such scanty and precarious resources, he was justified in prolonging a sanguinary and well-nigh desperate struggle. But the miscalculation, if such it were, was, at least, a generous one. It may well be numbered amongst those splendid errors, which are most incident to the loftiest and the grandest spirits. And, for a time, indeed, his successes were such as, apparently, to warrant his wildest anticipations. When he had won his last victory at Kilsyth, the covenanting armies were almost swept away, from north to south; and Montrose (as Mr. Napier expresses it) "now publicly acknowledged as the king's repre-

sentative in Scotland, suddenly found himself in the centre of a court." But, alas! in the very hour of his glory, "the thanes fled from him!" The Gordons fell away; partly, it is supposed from jealousy, and, partly, from the sinister influences of Argyle. Allaster Macdonald, too, left him, with all his following, never to return. "He had no scheme," says Burnet, "how to fix his conquests." It would have been "more germane to the matter," to say he had no scheme, how to fix the winds and waves; for, neither wind nor wave were more capricious or unstable than those very mountaineers whom he had so often led to victory.

A further imputation against Montrose, is, that he was arrogant and ostentatious; and, in support of this charge, is produced the letter addressed by him to the king, saying that he had gone over the land from Dan to Beersheba, and adding, "Come thou, and take the city; lest I take it, and it be called after my name." Now, this, undoubtedly, was in very vile taste. But, it was the taste of the times. Every one knows how the language of the Old Testament was prostituted and profaned by the fanatics of those days. To judge from their abominable perversion of the sacred Scriptures, one would imagine that the mighty men, and the warlike deeds, of the ancient Hebrews, were actually set forth, by the Holy Spirit, as types and fore-shadowings of the "very valiant rebels" of the Covenant, and of their glorious achievements against all, whom it was their pleasure to denounce as the enemies of God. It is much to be lamented that Montrose should, in a single instance, have suffered himself to be tainted, however slightly, by the infection of their example. But his meaning, surely, is obvious enough. He was, simply, desirous of satisfying the king, that all his enterprizes had been carried on, not with a view to his own personal interest and glory, but solely for the honor of the royal name, and the prosperity of the royal cause. Unhappily he chose to do this somewhat after the villanous fashion, then so shamefully prevalent. And his punishment was, to be stigmatized as an "unholy braggart."

Another stain has been fixed upon the character of Montrose. It has been said that his warfare was rapacious, vindictive, and bloodthirsty. To enter deeply into this question, would be to plunge into a bottomless pit of crimination, and recrimination. In a contest of this description, it usually happens that both parties exasperate each other to madness, by a succession of mutual injuries; and the result is havoc and devastation. We do not suppose that Montrose's people were much better, in this respect, than Argyle's people: but, assuredly, there is no evidence that they were worse. The "gentlemen caterans," on either side, were a mighty unmanageable collection of marauders; especially, when their Celtic blood was up. We all know how difficult the most

humane commander finds it, even in more civilized times and countries, to moderate the ravages of "contumelious, beastly, mad-brained war." What, then, was to be expected from the leader of half-savage tribes, who, from their cradles, were strong in the faith that "war is the natural state, and peace a dangerous and desperate extremity?" particularly, when their chief was without that potent element of order,—a military chest! That Montrose was personally cruel and unfeeling, is an assertion wholly destitute of proof. The Covenanters actually complained of his lenity, when he was in their own service. And, even Lauderdale, one of the worst of his Whiggish enemies, was compelled to allow that he never had been chargeable with atrocities committed in cold blood; and, that whatever violence had been ascribed to him, had been done *in the field;* and, was more to be imputed to the fierceness of his followers, than to his own want of humanity.* This testimony gives abundant confirmation to his own dying words,—"Disorders in an army cannot be prevented: but they were no "sooner known than punished. Never was any blood spilt, but in "battle; and, even then, *many thousand lives have I spared.*" If, however, any persons should still be sceptical as to this matter, we must refer them to Mr. Napier's pages; or to the pages of any reasonable and temperate historian. Only, we must beg of them to be on their guard against the influences of that tremendous anathema, which thundered from the Covenanting Vatican,—"that *bloody* and excommunicated traitor, that viperous brood "of Satan, James Graham, sometime Earl of Montrose!"

The rest of Montrose's history is melancholy enough. He was, now, left with the mere remnant of an army. And, within a short time of the victory of Kilsyth, came the disastrous surprise of Philiphaugh; and, there, the sun of his glory went down, as it were at noon-day! He cut his way, with the most desperate bravery, through an overpowering force, together with a small and gallant band of followers: and, it is a pity that Bishop Burnet was not present, to see "the *care* he took of himself in his defeat." For some months, he laboured to rally what life there still might be in the royal cause. In July 1646, however, he received an order from the king to disband his forces, and retire to the continent. Montrose obeyed; and took a mournful leave of his faithful companions in arms. But he did not trust himself to the conveyance prepared for him by the tender mercies of the king's enemies. He sailed in a pinnace hired by himself, taking with him a few tried and chosen friends, on the 3rd of September, 1646, and reached Norway in safety. From thence he proceeded, through Flanders, to France. His time, on the continent, was

* Napier, vol. ii. p. 576. Notes and Illustrations.

passed in endeavours to collect the means of restoring the fallen fortunes of his sovereign. But, at length, he was smitten down with the intelligence that the calamities of his royal master were terminated on the scaffold. In the agony of that moment, a vow burst forth from him, by which he bound himself, "before God, "angels, and men, to dedicate the remainder of his life to the "avenging the death of the royal martyr, and re-establishing his "son upon his father's throne." Alas! "the remainder of his "life" was but a miserable span. He threw himself, all too rashly, on the coast of Scotland; fell into an ambuscade; and, after his small force was cut to pieces, escaped, covered with wounds; wandered for three days in hunger, and pain, and utter destitution; and, in his extremity, surrendered himself to an *old acquaintance*, who sold him to his pursuers for 400 bolls of meal! The name of the traitor was Macleod of Assint. And, then followed the ignominious and hard imprisonment,—the tormenting inquisition of the Presbyterian *Confessors*, who would not suffer him to die in peace,—and lastly, the Parliament-Hall, the Grass-market, and the gibbet.

The serene, heroic, and we think we may add, the Christian-like bearing of Montrose, under his last sufferings and trials, are sufficiently well known; and they may be still better known from the narrative of Mr. Napier. It is very remarkable that the ministers who worried him in prison, made no allusion whatever to the charge of intended assassination. They presented him with a pretty long catalogue of his offences. They accused him of a lofty and aspiring temper; of personal vice; of raising an unnatural civil war; of taking Irish and Popish rebels into his service; of the spoil, ravage, and bloodshed, committed by his troops; and, above all, of his unfaithfulness to the Covenant. But, not one syllable did they breathe touching the sanguinary design against Argyle and Hamilton. The *item* would hardly have been omitted, if they imagined that they had it to produce! With regard to his aspiring temper,—he confessed that "he was one of those "that love to have praise for virtuous actions." As for his personal vices,—he did not deny that he had many; but, he added, that the greatest saints were not without their failings. As to the miscellaneous nature of his levies,—he said "it was no wonder "that the king should take any of his subjects who would help "him, when those, who should have been his best subjects, deserted "and opposed him." In reference to the disorders of his soldiery, he protested that no efforts of his were wanting, to preserve strict discipline; and that he would gladly have shed the blood from his own veins, to prevent the outrages complained of. His reply to the last charge of all, is memorable:—"The *Covenant* which I "took,—I own it and adhere to it. Bishops,—I care not for

"them: I never intended to advance their interests. But, when "the king had granted you all your desires, and you were every "one sitting under his vine and under his fig-tree,—that you should "have taken a party in England by the hand, and entered into a "*Solemn League and Covenant* with them, against the king,— "was the thing I judged my duty to oppose to the *yondmost*. "That course ended not, but in the death of the king, and the "overturning of the whole government." And, he closed the conference by declaring that he would willingly be reconciled to the Church of Scotland; but, that he could not, in conscience, purchase the relaxation of her censures, by "calling that his sin, "which he accounted to be his duty." Now, every Christian man is aware that the heart is deceitful above all things; and, that none can know it, save He that searcheth the heart. But yet,—(if Montrose is to be judged at all, according to man's judgment,)— it surely must be unspeakably difficult to imagine that the language above recited, from the lips of a dying man, was the language of reckless and desperate hypocrisy. To believe this, would be to believe that James Graham was worse than even Mr. Brodie has painted him. Montrose, we dare say, was very far from a faultless character. But, until we are borne down by overpowering and irresistible proof, we shall never credit that he was a monster of deceitfulness and impiety.

Of this extraordinary man, as he appeared in the circle of his connexions and his friends, but little has been transmitted to us. That little, however, would seem to indicate that he was deeply susceptible of all the gentler emotions and more sacred charities of private life. As a husband, indeed, we know nothing of him; for, of his countess nothing has been recorded but her name. But, that he had the power to win the affections of those about him, may reasonably be inferred from the devoted attachment of his nephew, the second Lord Napier, and his noble and high-minded lady. But, his days were chiefly passed in the turmoil of political agitation, or "in feats of broil and battle." He stands before posterity chiefly as a public man. His biography, therefore, is little else than a part of the history of his own times.

That his religious *sentiments* were profound, we would gladly collect from his demeanour when the world was about to close upon him, in the lustihood of his manly prime. But, that his religious *notions* were, in some important respects, unformed and crude, is but too evident from the whole tenour of his history. Even when his eyes were open to the pernicious designs of his confederates, the question, with him, was, solely, between loyalty and rebellion. The treason he abhorred. To the schism, he was manifestly indifferent, to the very last. Some allowance, however, must be made for the influences of education and society. He

imbibed, most probably, the hereditary principles of his intimate and valued friend, Lord Napier. And, even if he was not passionately attached to the Presbyterian innovation, yet it is clear that he never thought Episcopacy worth contending for!

Mr. Napier has closed his important volumes with a very curious history of that precious relique, *The Heart of Montrose.* It was well known, before, that the heart of the great marquess was taken from his trunk, by certain "adventurous spirits" employed by Lady Napier; and that, by her order, it was embalmed in a most costly manner, and deposited in a rich box of gold. But, Mr. Napier has produced a letter from his living relative, Sir Alexander Johnston,—(formerly Chief-Justice of Ceylon, and descended, by his mother's side, from the Napier family),—in which the writer has addressed to his daughters a minute account of this last earthly fragment of the hero, and traced it through all its *adventures,* up to the period of its loss in 1792. This letter is too long for insertion. The outline of it is as follows: the heart, when embalmed, was enclosed by Lady Napier in a little steel case. This, again, was placed in a gold filagree box, which had been presented to the inventor of Logarithms by a doge of Venice. The whole was then deposited in a silver urn, which had been given by the great marquess himself to her husband, Lord Napier. Some time after, the relique, with its integuments, was transmitted to the young marquess, then in exile; was lost sight of for a while; and, at length, emerged in Holland; where it was found in a collection of curiosities, but without the silver urn. It was, thus, recovered to the family; and, in course of time, came into the possession of Sir A. Johnston's mother. This lady accompanied her husband, Commodore Johnston, to India. The ship was attacked by Suffrein's squadron: but the heroic matron refused to go below. She stood on deck, during the action, with her son, Sir A. Johnston, then five years old, and was wounded severely in the arm. The relique, too, suffered in the action; for, the golden filagree was shattered. This, however, was replaced by the skill of a native artist in India; who likewise supplied another silver urn; on which, a very brief account of Montrose's life and death was engraved in Tamil, and in Teloogoo. The natives thought it a talisman; and one of them stole it. At last, it was found in the possession of a powerful chief in India, who had purchased it for a large sum of money; and, by him it was, afterwards, generously restored to Sir A. Johnston himself. In 1792, it was taken with them by the family, into France; and deposited, for safety, with an Englishwoman at Boulogne, who died shortly after. Since her death, nothing more has been seen or heard of it; to the bitter sorrow of Sir A. Johnston's mother. It was among the last *earthly* things which occupied her thoughts, on her death-bed.

We cannot dismiss these volumes, without calling the attention of our readers to a remarkable letter of Bishop Burnet's, now produced by Mr. Napier, from the family charter-chest, and never before made public. This letter was written at the period of the Rye-House plot, and addressed to John Brisbane, Esq.; who married Margaret, the second daughter of Montrose's nephew, the second Lord Napier. Brisbane was a friend and patron of the bishop; and, at that time, held the office of Secretary to the Admiralty. It must be recollected that Essex had, recently, committed suicide, and that Russell was then under condemnation. We here insert the letter at full length.

"Dear Sir,

"I have writ the inclosed paper with as much order as the confusion I am under can allow. I leave it to you to shew it to my Lord Halifax, or *the King*, as you think fit, only I beg you will do it as soon as may be, that in case my Lord Russel sends for me, *the King may not be provoked against me by that.* So, Dear Sir, adieu.

"Memorandum for Mr Brisbane.

"To let my L. Privy Seal know that out of respect to him, I doe not come to him. That I look on it as a great favour, that when so many houses were searched mine was not, in which tho' nothing could have been found, yet it would have marked me as a suspected person. That I never was in my whole life under so terrible a surprise and so deep a melancholy as the dismall things these last two or three days has brought forth spreads over my mind; for God knows I never *so much as suspected* any such thing; all I fear'd was only some rising if the King should happen to die; and that *I only collected out of the obvious things that every body sees as well as I doe*, and to prevent that, took more pains than perhaps any man in England did, in particular with my unfortunate friends, to let them see that nothing brought in Popery so fast in Q. Marie's days as the business of L. Jane Grey, which gave it a greater advance in the first month of that reigne than otherwise it is likely it would have made during her whole life. So that I had *not the least suspition of this matter;* yet if my Lord Russell calls for my attendance now, *I cannot decline it*, but I shall doe my duty with that fidelity as if any Privy-Counsellour were to overhear all that shall passe between us.

"I am upon this occasion positively resolved never to have any thing to doe more with men of business, particularly with any *in opposition to the Court*, but will divide the rest of my life between my function, and a few friends, and my laboratory; and upon this *I passe my word and faith to you, and that being given under my hand to you, I doe not doubt but you will make the like engagements in my name to the King;* and I hope my L. Privy Seal will take occasion to doe the like, for I think he will believe me. I ask nor expect nothing but only to *stand clear in the King's thoughts;* for preferment, *I am resolved against it, tho' I could obtain it;* but I beg not to be more under hard thoughts, especially since in all this discovery there has not been so much occasion to name me as to give a rise for a search, and the friendship I had with these two, and their confidence in

me in all other things, may show that they know I was *not to be spoke to in any thing against my duty to the King.* I doe beg of you that no discourse may be made of this, for it would look like a sneaking for somewhat, and you in particular know how farre that is from my heart; therefore I need not beg of you, nor of my Lord Halifax, to judge aright of this message; but if you can *make the King think well of it,* and *say nothing of it,* it will be the greatest kyndnes you can possibly doe me. I would have done this sooner, but it might have lookt like fear or guilt, so I forbore hitherto, but now I thought it fit to doe it. I choose rather to write it than say it, both that you might have it under my hand, that you may see *how sincere* I am in it, as also because I am now so overcharged with melancholy that I can scarce endure any company, and for two nights have not been able to sleep an hour. One thing you may, as you think fit, tell the King, that though I am too inconsiderable to think I can ever serve him while I am alive, yet I hope I shall be able to doe it *to some purpose after I am dead;* this *you understand,* and I will doe it *with zeal;* so, my dear friend, pity your poor melancholy friend, who was never in his whole life under so deep an affliction, for I think I shall never enjoy myselfe after it, and God knows death would be now very welcome to me; doe not come near me for some time, for I cannot bear any company, only I goe oft to my Lady Essex and weep with her; and indeed the King's carriage to her has been so *great and worthy, that it can never be too much admired, and I am sure, if ever I live to finish what you know I am about, it and all the other good things I can think of shall not want all the light I can give them.* Adieu, my dear friend, and keep this *as a witnesse against me if I ever fail in the performance of it.* I am, you know, with all the zeal and fidelity possible, your most faithful and most humble Servant,

" G. BURNET."

" *Sunday Morning,*
17*th July,* 1683.

Now, we certainly do not think it necessary to repeat all the severe things which have been said by Mr. Napier, touching this precious epistle. We would only ask the reader, *first,* to compare the base and abject tone of it, with the character for integrity and moral courage, which Burnet claims for himself, and which is still more confidently claimed for him, by his son; and, *secondly,* to suspend the promises of *posthumous* service, which the letter manifestly implies, just underneath the portraits, given by this agent of the Revolution, of Charles I., and, more especially, of Charles II. Whether the portraits be tolerable likenesses, or not, is a distinct question. But, what are we to think of the man, who could, deliberately and solemnly, so pledge himself, perhaps at the very moment when those portraits were growing upon his canvass? Is he to be trusted, as an honest and veracious chronicler? The question is not altogether alien from the matter more immediately before us: For, Burnet is foremost among the calumniators of Montrose.

Art. IV.—1. *The Churches and Cathedrals of France in* 1839. 2. *Rapport à M. la Ministre de l'Intérieur sur les Monumens &c.* Par M. L. Vitet. Paris.

One of the most distinguishing characteristics between Englishmen and Frenchmen is the respect shown by the former to the monumental antiquities of their country, as contrasted with the apathy manifested by the latter in this respect. The French have but little sympathy with the picturesque, and *la Nouvelle France* seems to think it incumbent upon it to prove its claim to the title by destroying or disfiguring all the vestiges of ancient France that the revolutionary fury had spared or overlooked. Where actual demolition cannot complete the work, the specious pretext of reparation is borrowed by all parties in any ways connected with the monumental relics with which France is so richly endowed, and whose ruins are the strongest attestation of the former piety and taste of the monarchs, prelates and nobles, who reared them to the glory of God and the edification of their fellow-creatures. *Mais nous avons changé tout cela* is the motto of the nineteenth century, and in nothing is it so evident as in the Vandal spirit which is now so busily at work on the other side of the channel, and which, if it is insensible to the feelings of reverence for the associations of the past, would be alive, one would think, to the profit of preserving antiquities as a purely speculative consideration. When a country is deprived of its embroidery, so to speak, and the broad expanse of nature is diversified by no memorials of the past, there is no inducement for travellers to diverge from the beaten track of the high roads; when all that can enliven ennui, excite curiosity, and awaken studious contemplation, is removed, the only object would be to rattle through the land at railway speed; and the facts and details we shall soon record will convince our readers that is likely soon to be the case with France.

In the outset of our task we may be permitted to reflect with gratification upon the difference existing between the deplorable devastation in France and the scrupulous care exhibited in England for the preservation of the beautiful ruins of Tintern, Croyland, Netley, Fountains, and hundreds of other specimens of the goodness and greatness of our ancestors; these, although they were suppressed and partly demolished at the period of the Reformation, offer in their present condition inappreciable resources to the zeal of artists and the fervour of the antiquary. As a matter of gain only, the advantage of preserving these monu-

ments could be readily proved by the concurrent testimony of innkeepers and post-masters, and the whole population of the neighbourhood, who find it their interest to look to the preservation of these old moss-covered stones thickly encrusted with the rust of ages, but which if they were situated in France would have been long ago removed, to use their materials for the repairs of roads, or barns. What an appearance would the banks of the Rhine present, now so frequented and admired, if the mode of dilapidation so popular in France were to become the vogue there? Tourists and artists would long ago have abandoned that route, in the same way as they have deserted France, which of all European countries was formerly the most abundantly studded with churches, castles and abbies of the middle ages, and which would have still existed to adorn and beautify the face of the land if, twenty years back, a stop had been put to the torrent of public and private devastations. After England, it is to Germany that praise is due for the zeal with which the governments and individuals are animated against the progress of Vandalism, which at one time just showed its barbarous aspect, but could not obtain a permanent footing there. The measures of government are supported by the good will and common understanding of the inhabitants, which are unfortunately so deficient in France. In several cities associations have been established for the special preservation of neighbouring monuments, among which we have pleasure in mentioning that of Bamberg, for the purchase and preservation of Altenburg, the ancient castle of the bishops of Bamberg. A similar association, under the auspices of Baron d'Aufsess, has succeeded in saving the fine castle of Zwertnitz in Franconia; and the old church at the foot of Hohenstaufen owes its continued existence to the exertions of a society of clergymen and inhabitants. Among other churches that of Ottmarsheim, which, according to tradition, dates from the days of Paganism, was preserved by M. de Golberg, who also succeeded in rescuing the exquisite church of Geberschiwir, and that of Sigolsheim, founded by the Empress Saint Richarda in the ninth century. In this last structure he is entitled to the merit of having extended the nave by means of several arcades, entirely retaining the style of the original, and constructing a portal of the ninth century for the new *façade*, instead of clapping a sort of plaister excrescence against the old edifice, with a peristyle in the shape of an obtuse triangle, as is too often done in places where the wants of the population require the enlargement of the old church.

The attention of many enlightened Frenchmen has recently been drawn to this subject, and their exertions have not been

wanting to impress upon the government the necessity of checking the widely-extended ruin that menaced almost all the religious buildings. The Count de Montalembert has distinguished himself by this labour of love, and his reclamations have been so far crowned with success that the ministers have asked, and the Chamber of Deputies has granted the sum of 16,000*l.* for the preservation of the monumental remains of France; an example which, it is to be hoped, will excite the co-operation of every one in any way connected with such reliques as still remain.

With these preliminary observations we shall proceed to give an historical summary of the progress of devastation from the Bourbon restoration in 1814, after which we will present a detailed account of some of the principal feats of modern Vandalism by way of commentary on our text.

It would have naturally been thought that the Restoration would have made it a special care to restore and preserve the monuments of the past; but it is a remarkable fact that this epoch was the commencement of a system of almost limitless destruction of the edifices which the Revolution had spared, and that the change of dynasty in 1830 has certainly been productive of benefit in this respect at least. In the time of Napoleon, the Minister of the Interior, by his circular of the 4th of June, 1810, proposed a long series of interrogatories to all the prefects relative to the actual condition of the old castles and abbies in their respective departments. These documents are replete with curious and interesting facts, but are too diffuse for any attempt at incorporation in these pages. Under the Restoration, M. Simeon, when Minister of the Interior, adopted a similar measure; but it does not appear that any practical results were obtained. The lamentable system of indifference which prevailed on this subject up to 1830 may be inferred from the terms of that ordinance which can never be sufficiently regretted, by which the splendid *depôt* of historical monuments formed at the *Petits Augustins* was destroyed and dispersed, under the pretext of making restitution to owners who no longer survived, or who did not know what use to make of the objects so restored to them. It is believed that not one of the monuments given back to individual owners has been preserved; and, notwithstanding the notorious difficulty of disposing of these splendid relics, a steady refusal was constantly returned to the reiterated requests of M. Lenoir, the founder of this unique museum, to re-establish his collection with what remained after restitution had been made to every known proprietor. This contempt for, and unpardonable neglect of, antiquity in a government whose chief claim to respect was derived from the principle of antiquity, extended even to the *Conservatoire de*

Musique; the curious collection of ancient instruments of music which had been formed there was ordered to be dispersed or sold at a low price. This ruinous system, which prevailed in Paris, was practised on a still more extensive scale in the provinces. It would scarcely be believed that, under a moral and religious government, the corporation of Angers, which had for its chief a deputy of the extremest ultra-loyal opinions, should have been allowed to convert the Gothic church of St. Peter into a theatre. It is still more incredible, but not the less true, that the church of St. Cesaire at Arles, which the most erudite antiquaries looked upon as one of the oldest in France, was transformed *en mauvais lieu*, without any public functionary protesting against such profanation. Who would think that no effort was made, when the *Most Christian King* returned to the throne of his fathers, to rescue the magnificent papal palace at Avignon from its military desecration? And who could credit the fact that at Clairvaux, in that celebrated sanctuary which was directly connected with the authority of the state, the exquisite church, so beautiful in its proportions, and so complete in its grandeur, which dated from the 12th century, and was said to equal Notre Dame at Paris in size, which was begun by St. Bernard, where so many queens, princes, and pious generations of monks were entombed, and where the heart of Isabella, the daughter of St. Louis, was deposited; that this edifice, which had survived the havoc of the revolution and the indifference of the empire, should have been demolished in the very first year of the Bourbon restoration? It was then razed to the ground, with all its projecting chapels, without leaving one stone upon another, or even sparing St. Bernard's tomb, to make room for a square surrounded by trees in the centre of the prison which occupied the site of the venerable monastery. Before leaving Clairvaux, we may as well mention that a prefect of the department of Aube, under the Restoration, actually sold seven hundred pounds weight of the archives of this famous religious house, and which were removed to Troyes; the remains are still in a garret, from whence the others were taken for this fine speculation; and the Count de Montalembert stated that, when he was at that place, he walked over a heap of parchments strewed thickly on the floor, from which he picked up a bull of Pope Urbain the Fourth, the son of a shoemaker of that very city of Troyes, and probably one of its most illustrious children! The same prefect demolished the relics of the palace of the ancient counts of Champagne, of the noble and poetic dynasty of the Thibauds and Henri-le-Large, because they were in the line of a crescent, which his architectural genius had unfortunately devised. The beautiful gate of St. Jacques (constructed

in the time of Francis the First) and that of Beffroy suffered the same fate. Another prefect of the Restoration, in the department of Eure and Loire, had no scruple in appropriating to his own use several painted windows of the cathedral of Chartres to decorate the private chapel of his country mansion. It has been incontrovertibly proved, *that during the fifteen years of the Restoration more irremediable devastations were committed in France than in the period from* 1789 *to* 1813*!* This destruction was certainly not enjoined by the government, but it was done under its eyes, with its tolerance, and without exciting the slightest marks of its solicitude.

The conduct of the present dynasty, it must be admitted, is entitled to every praise in this particular. The circular issued by the first minister of the interior of the government of July, almost in the midst of the confusion of the conflict and in the flush and effervescence of victory, reflects the highest honour upon all concerned. Nearly at the moment of the inauguration of the king of the revolution, an Inspector-General of historical monuments was appointed, which was a fine evidence of its confidence in the future as well as of its respect for the past. This circular gave occasion for an excellent Report on the monuments of a remarkable portion of the Ile-de-France, of Artois, and of Hainault, signed by M. Vitet, the first Inspector-General. Since the memorable Reports of Gregoire to the Convention, on the destruction of monuments, this, we have reason to believe, is the first official mark of attention shown by any public functionary to the associations connected with the former history of France. This first impulse, we must admit, was succeeded by indifference and forgetfulness, which may be justly attributed to a variety of unpleasant circumstances, which have occupied the different administrations since 1830. But the progress of historical studies, so vigorously organized and impelled by M. Guizot, could not fail to produce a similar result with respect to studies of art, and it is well known that these researches formed one of the objects of the second historical committee instituted by the Minister of Public Instruction in 1834. With the return of quiet, a more extensive and lively solicitude concerning these subjects returned; and, on application to the chambers, the sum of 200,000 francs was obtained (although not without some trouble) to aid in the primary measures necessary for the preservation of the national monuments. The Count de Montalivet gave substantial effect to this fortunate reaction by creating, on the 29th September, 1837, a commission specially appointed to watch over the public monuments, and he apportioned to its branches the moderate sum allowed by the budget for this purpose. M. Salvandy, ex-

tending and completing M. Guizot's designs, created the committee of arts and monuments, the proceedings of which are known to the public by M. de Gasparin's Report; under the active and zealous consideration of that late minister, the committee is busily engaged in the reproduction of divers *chefs-d'œuvre*, while it loses no opportunity of holding up to public reprobation such acts of Vandalism as come to its notice. And, lastly, the late Keeper of the Seals, in his capacity of Minister of Worship, promulgated an admirable circular on the measures to be observed in the restoration and repairing of religious edifices, which only requires to be sufficiently known by, and spread among, the clergy. It is only to be hoped that the Chamber of Deputies will repudiate the paltry parsimony which has hitherto influenced it in its votes upon every thing relating to the arts, and that it will follow the example shown by the government. The recent vote of £16,000 is a propitious augury for the future.

Notwithstanding, there are some proceedings of authority which cannot be passed over without a degree of censure. An association was formed in Normandy, under the title of *Société Française pour la Conservation des Monumens;* it was set on foot by M. de Caumont, an indefatigable and learned archeologist, who has done more than anybody else to render a taste for, and knowledge of, the historic art popular. After many obstacles, this society succeeded in enrolling among its members almost all the proprietors, ecclesiastics, magistrates and artists, not only of Normandy, but of the adjoining provinces. It publishes a monthly work, called the *Bulletin Monumental*, filled with curious and interesting facts; and, what is still better, the produce of the subscriptions of the members is devoted to the aid of edifices likely to be menaced with demolition, or the almost equal mischief of injudicious reparations. It must be acknowledged that this association is unique in France, and perhaps in Europe, and certainly merits the protection and support of government. What support then does the reader suppose it may have received? Why, the minister of the interior has allotted to it the sum of 300 francs (£12) *by way of encouragement!*

After having bestowed the praise that it really deserves upon the administration, it is but just to mention a certain number of magistrates and corporate bodies who have admirably seconded its efforts. Several prefects, among whom are those of Calvados and Eure; M. Gabriel, the prefect of Troyes; M. Chaper at Dijon, and more especially the Count de Rambuteau at Paris, deserve honourable mention, as they have all displayed a remarkable zeal for the preservation of the ancient buildings of their departments. In this category, several Councils-General, and

particularly those of Deux-Sevres, of Yonne, and of the Haute-Loire, have voted estimates for the repurchase and reparation of monuments, which they justly look upon as the glory of their country. Unfortunately, these examples are still very unfrequent, and are only perceived in the spheres of the highest functionaries, whose time and thoughts are absorbed by other duties. Throughout, or almost everywhere, the archives of the departments and *communes* are in the most shocking disorder; and if in some cities they have been committed to the care of men of sense and taste, as, for instance, to M. Maillard de Chambure, at Dijon; yet in others it is not many years since they cut up parchment into covers for pots of preserves at Perpignan, and at Chaumont they cut up, and sold by the pound weight, every record that had no reference to the tenure of land. But we need not be surprised at this, when we remember that, in the sitting of May 1837, the Chamber of Deputies refused the sum of 25,000 francs for the purpose of establishing administrative libraries in certain prefectures. In the official duties of a subordinate class, the military and civil engineers for instance, the ruin and contempt for historical associations is the order of the day as much as ever; but when we look at the local and municipal authorities, we have at once the vastest and most dangerous specimens of this destructive Vandalism. Some examples of this we shall proceed to cite.

The laying out of streets in straight lines and the straightening of roads are, doubtless, very excellent things, and so are the facility of communication and the improved salubrity which ought to result from them; but we shall not be easily persuaded that engineers and architects ought not to be restrained in their omnipotence. In their desire to benefit a country or embellish a city, they should have some respect for a monument which illustrates the history of towns and districts, which attracts strangers and visitors, and can be no more replaced by the product of their genius and knowledge than a name can be replaced by a cypher. We cannot admit that the inordinate love of the right line, by which all our labours of modern road-making are characterized, ought to triumph over the beauty of antiquity, as in many places it has triumphed over economy. We cannot think that the vaunted progress of the mechanical arts and sciences should result alone in levelling the face of a country under the yoke of the right line, that is to say, of the most elementary and sightless form that exists, to the detriment of every consideration of beauty and expediency. Yet this is the principle which seems to prevail in all the public works of the age, both in England and France; and which in the latter country is especially injurious. At Dinan, a small town in Bretagne (through which

probably twenty carriages do not pass in a day), in order to widen one of the least frequented streets, they demolished the fine front of the hospital and its church, which was considered one of the ornaments of that part of the country. The mayor, it is true, endeavoured to remove a portion to place it against the wall of the cemetery, but it fell to pieces by the way. In the same manner, at Dijon, some time ago, the church of St. John, remarkable for the bold span of its vaulted roof, which is supported by the side walls without any pillar, was shamefully mutilated, and is now reduced to a warehouse for casks; its choir was lopped off, like the branch of a useless tree, and a wall which unites the transepts only separates the nave from the common cart track. It is only with public monuments, more particularly with religious ones, that this plan is adopted; it is altogether different when private interests are in question. If the adjoining houses encumber the highway ever so much, no notice is taken of the inconvenience; but they call out with one accord, "Let us pull down the church; it will be so much gained;" and it is not too much to affirm that the meanest tavern is safer from the attempts of the improvers and wideners than the most precious monument of the middle ages. At Dieppe, the beautiful gate of La Barre with its two large towers, through which the road ran from Paris, has been pulled down for the sake of enlarging the highway; and it is to be replaced by one of those monotonous iron-railed gates, flanked by two hideous offices for the perception of the *octroi*, which seems to be the *beau-ideal* of the entrance of a modern French city, above which architectural genius has not yet been able to soar. At Thouars, the spacious and magnificent chateau of the La Tremoilles is to be pulled down to open an outlet to the road; this castle dates entirely from the middle ages, and it is notorious that the military monuments of that epoch are almost unique. In Paris, every body must approve of the new streets of the *Cité*, but surely there was no absolute necessity of destroying the old churches of St. Landry and St. Pierre-aux-Bœufs, whose names are connected with the very first days of the history of the capital; and if the lengthening of the Rue Racine had diverged ever so little to the right or the left, so that there should not have been an exact right line from the Odeon to the Rue de la Harpe, it seems to us that a sufficient compensation would have been found in the preservation of the exquisite church of St. Côme, which, although disgraced by its modern use, was nevertheless the only one of its date and style in Paris. The frenzy of right lines was pushed to such an extent at Poitiers, that M. Vitet drew upon himself the strong animadversion of the municipal counsel, for having insisted, in his capacity of Inspector

General, that the most ancient monument in that city should be preserved; this was the Baptistry of St. John, the origin of which is dated between the sixth and eighth centuries. This edifice was unfortunately situated between a bridge and the veal and fish markets; and, although there was "ample space and verge enough" for the conveyance of the said calves and fish round these venerable relics of the architecture of the Franks, it was, notwithstanding, a great eyesore to the enlightened corporation who had already acquired a by no means equivocal notoriety by the demolition of their ramparts and ancient gates. They took dire offence at being compelled, contrary to their inclination, to keep up "an obstacle to free circulation," and a cloud of pamphlets was immediately launched against the presumptuous Inspector General, in which he was denounced to the butchers and fish-women as guilty of encumbering the approaches of their markets; a demand was then made against the government for the sum of 12,000 francs by way of compensation; eventually, a formal complaint was lodged with the Council of State, and then, it is said, the cause of art, of history, and of reason, only triumphed by a majority of one. We will close the record of this right-line mania by stating that, only a few months ago, the last of the Gothic arcades which ornamented the streets of Valenciennes has disappeared, although it was a memorial of its old splendour, when it disputed with Mons the honour of being the capital of the glorious race of the Counts of Hainault, who once reigned in Constantinople. In the same city they have destroyed the most curious portion of the venerable *Hotel Dieu*, founded in 1431 by Gerard de Pirfontaine, canon of Anthoiny, with the authorization of Jacqueline of Bavaria and the assistance of Philip the Good. The great names of its local history find no grace with the corporation of Valenciennes. We cannot repress our surprise at the especial intensity of the spirit of Vandalism in these former provinces of the Spanish Netherlands, which could once proudly boast of possessing the most numerous and brilliant specimens of Gothic art. City after city has risen against its vast and antique cathedral till it has disappeared even to the last stone, for the purpose of substituting a square on its site; this was done at Bruges to the Cathedral of St. Donat; at Leige to that of St. Lambert; at Arras to that of Notre Dame; and at Cambrai for that of Notre Dame also, with its marvellous spire! At St. Omer, the brutal barbarism of the corporation proceeded to such a length, that, under the pretext of *finding work for the labourers*, they actually removed and, of course, annihilated the ruins of the Abbey of St. Bertin, which were considered as the finest of central Europe! Destruction is frequently organized,

too, without the slightest shadow of a pretext, as at Troyes, where they preferred destroying the beautiful Chapel of the Passion in the convent of the Cordeliers after it had been turned into a prison, and building a new one, instead of retaining it for the use of the prison. The immense cathedral at Laon, one of the largest and oldest in France, so beautiful by its position, the wonderful trellice work of its four towers, (which gave them a transparent appearance,) by the trinitary symbol of its *abside*, and the prodigious number of its chapels, is almost blocked up by the erection of a great many houses on the site of the cloisters which had been sold during the first revolution. The ground could have been purchased by the city for an insignificant sum; but, when this was urged upon the magistrates by some zealous and intelligent persons, one of the former replied in terms: "To speak frankly, I am not one of those who take an interest in buildings of this kind; it is for those who attend public worship to support it." This response is certainly worthy of that corporation which took the trouble to pull down the oldest historical monument in France, the Tower of Louis d'Outremer.

In other quarters, and, indeed, almost every where, the same indifference, or rather the same aversion, to every thing appertaining to history or art, has been displayed. At Langres, some studious young men humbly petitioned the municipal council for the use of the *abside* of St. Didier, the oldest church in the city, to begin a museum of local antiquities, an institution which might well be looked upon as indispensable in a district where, every time the soil is turned up, innumerable vestiges of the Roman dominion are discovered. But the sapient corporation negatived the request promptly and decidedly, and instantly converted the venerable church into a depôt for fire engines and wood. In connection with this hostility to all historical associations, we must again advert to the city of Dijon, which was not satisfied with having in 1803 destroyed its St. Chapelle, a splendid work of the Dukes of Burgundy, with having transformed the church of St. Jean into a storehouse for barrels, that of St. Stephen into a covered market, and that of St. Philibert into cavalry stables. We have yet another trait of its taste to mention. It is well known that St. Bernard was born at Fontaines, about two miles from Dijon. The chateau of his father may be still seen there by the side of a curious church; in the reign of Louis XIII. it was converted into a convent of Feuillans; and is preserved with much care by M. Girault, the present proprietor. A new gate has been recently opened on the road which leads to this village: the public voice, by common consent, had already designated it as the *Porte St. Bernard*, and still calls it so; but the corpora-

tion thought differently. When the proposition was made to this body to give the gate a name in conformity with the public wish, an enlightened corporation orator declared his opinion that St. Bernard was a *fanatic* and a mystic; that his doctrines were tainted with Carlism and Jesuitism: and that, at all events, *he had never done any thing for the city of Dijon!* The municipal council was of the same opinion; and we really think that this intelligent person deserved to have the gate called after himself.

We will now proceed to another class of Vandals, that of the owners of land; and here we must admit that although the mischief done by them is more difficult to be ascertained and denounced, it is certainly more extensive than in any other body. The great proportion of French proprietors have an absolute horror for every description of ruins. Formerly they manufactured artificial ruins in their gardens *à l'Anglaise;* but the real and genuine remains of the most curious edifices are considered as having an uncomfortable look, and they hurry on their demolition with all despatch. Those who still have upon their domains some wrecks of the chateau of their fathers, or of an abbey burned down at the revolution, instead of comprehending the historical interest and picturesque beauty of these old stones, only look upon them in the light of a quarry from whence to extract building materials. In this way all the fine old churches of such monasteries as were converted into residences have disappeared. For example: it was but very recently that the last stone of the church of Forjuy in Thiérache, near La Capelle, built by St. Bernard, was removed. This edifice was 400 feet long, and stood two or three years ago in all its pure and native beauty; yet this magnificent structure has been pulled down without a remonstrance from the neighbourhood which was thus deprived of its noblest monument and a standing record of its historical importance. Not far distant, in a well-wooded and solitary site, at Bonne-Fontaine, near Aubenton, we saw, last year, an abbey founded in 1153; we remarked the southern transept and six arcades of the nave which are evidently of the twelfth century; but this year they will disappear, because the purchaser, who is building a house close at hand, will require the stones for his family mansion! Before proceeding to another branch of our subject we may as well mention the exploit of an architect at Bourbon l'Archambault, who, to demonstrate his architectural skill, demolished the Sainte Chapelle of that place, which was also the glory and ornament of the Bourbonnais, in order to sell the materials! The last stone was removed in 1837.

The following fact is a singular one, and we leave it to the reader to decide in what rank of Vandals its actors are to be clas-

sified. There stood at Montargis an ancient tower, which had long been the admiration of travellers. M. Cotelle, a notary at Paris, and a considerable landed proprietor at Montargis, being desirous of preserving the venerable relic, had busied himself in obtaining subscriptions, and had even succeeded in procuring 1200 francs from the ministry, for the purpose. Unfortunately, the elections of 1837 intervened, in which M. Cotelle stood forward as a ministerial candidate; the parties in opposition to him immediately considered themselves justified in instigating some vagabonds to remove, stone by stone, the base of the building; and, to their great satisfaction, the tower fell down with a terrible crash. The news of this victory soon reached Paris; the trick was laughed at, and applauded by more than one political paper. Is there any other country in the world where such a proceeding would be tolerated, far less encouraged?

If we turn our attention to spiritual persons and things, we shall find to our surprise that the influence of Vandalism is as widely-extended and deeply-rooted among the clergy as among the temporalty. In spite of the recommendations and directions of many excellent prelates, there is always to be found in the body of the clergy and the churchwardens, the same propensity to make unsuitable and absurd additions to all edifices, and the same barbarous indifference for the too rare remains of Christian antiquity. There are honourable exceptions in every diocese of France, and the exceptions are yearly on the increase. But they are still too few to struggle effectually with the general spirit, or to prevent the distressing contrast between a provisional state, a sort of pause in destruction, and that salutary reaction manifested by the government and by some isolated individuals. In support of this opinion, we will transcribe letters received by the Count de Montalembert from each extremity of France:

"You cannot imagine," it is a clergyman of Bretagne who writes, "the inclination which prevails in Finisterre and the Côtes-du-Nord to disfigure with whitewash whatever had hitherto escaped its pollution. The passion of building new churches has seized a great number of my brethren; unfortunately it is far from being an enlightened passion. There is a general wish for novelty and elegance after the manner of the Pagans; and, in order to avoid any resemblance to our fathers, and to show an imitation of their religious architecture, the taste is altogether after the theatrical style, or else for square barn-like buildings, without dignity, beauty, or any religious impression, so that the Christian symbol is entirely sacrificed to the caprice of messieurs the engineers. Remonstrances are frequently attempted: but as they are only prompted by good sense and religion, and as, to obtain pecuniary funds, it is necessary to follow servilely the plans of the official architects, they are of no avail."

Again, in a letter from Langres:

"The clergy of our diocese has so little regard to any feeling of art as connected with religion, that it *is universally opposed to all repairs that are effected in the spirit of the Gothic style*, and there is scarcely a clergyman who does not prefer a church with Greek columns and pilasters, with square or semi-circular windows ornamented with coloured curtains, to those of the old fashion. Whenever a church is too small, instead of enlarging it according to its primitive architecture, it is pulled down and replaced with a square building, the walls of which are invariably washed with white and yellow."

The Count de Montalembert declares that a score of letters to the same effect could be cited, authentic in their details and exhibiting the progress of a vicious taste in persons who ought to be imbued with different feelings.

In hundreds of villages in France will be found *curés* reposing on their laurels, after having smeared the interior of their old churches with a thick plaister of yellow wash of the colour of fresh butter diversified by stripes of red and blue, sashed their casement windows, and exchanged the rare and ancient articles used in worship for the new-fangled trumpery manufactured in Paris, and hawked about the country. These "holy Vandals," as Pope calls them, sometimes err from ignorance, but more frequently from indifference, or from a desire to act the generous at the expense of the Church. In this way several cartloads of painted windows, belonging to the church of Epernay, were given to the grand vicar of Châlons, to ornament the chapel of his mansion; and an ivory *paix* of the 14th century, belonging to the edifice of St. James at Rheims, was presented by the last clergyman but one of that parish to an antiquary of the same city. Sometimes a spirit of mercantile calculation speculates upon the relics of Christian antiquity, as in the case of the sale of the old church of Châtillon, one of the most curious in Champagne, for the sum of 4000 francs; fortunately this sacrilege was prevented by the zeal of M. Didron, who addressed a memorial on the subject of this shameful dilapidation to the minister of public instruction. But where they cannot sell wholesale, they try to attain their object by retail. At Amiens, three fine and curious paintings, of the 16th century, on wood, belonging to the cathedral, were disposed of to defray the cost of whitewashing one of the chapels. It was one of the canons of this church that sometime ago remarked to M. du Sommerard, pointing to the stalls of the choir, an admirable specimen of ancient carved work in oak: "Look at those dust holes; they prevent our being seen at the altar; how can we get rid of them?" In that learned antiquary's museum, several curious Byzantine enamels are to be seen, which he had formerly inspected with much interest at the cathedral of

Sens, but which, three years afterwards, he purchased of a broker, who bought them at the church where they were sold to white-wash a chapel. At Troyes, the parish authorities of the Madeleine have cut several seats in the bases and supports of the columns, which they let out for three or four francs a year, at the risk of bringing the entire building about their ears. It was the authorities of the same church who determined, without any demur, to pull down the famous *jubé** of the Madeleine, which was justly considered the handsomest in France, under the pretext that it was no longer in fashion; and it was only spared on condition that they should be allowed to daub it over with a thick coating of yellow wash. Nothing can escape this systematic contempt of every thing that bears the impress of antiquity; but the ancient baptismal fonts are more especially exposed to hostility—those fonts which Englishmen study with such zeal and appreciate so highly. At Lagery, near Rheims, the *curé* caused the Roman fonts to be broken up in order to replace them with modern ones. The same has taken place in nearly all the churches of the north and east of France; the fonts are everywhere destroyed, or else thrown aside into dark corners as useless rubbish, to make way for some Pagan shell. There was, not long ago, an ancient baptismal font *for immersion*, in a church close to Poitiers; even this rare and curious peculiarity could not find grace in the eyes of the *curé*, who had it broken to pieces. The same destruction has included the old tapestries, which are now so esteemed by antiquaries, particularly since M. Jubinal has made known their beauty and historical importance in his interesting work. At Clermont, in Auvergne, there are twelve pieces of tapestry which belonged to the old palace of the bishop; they were executed from 1505 to 1511, under the direction of Jacques d'Amboise, a member of that illustrious family which was always so generous in its patronage of the arts; they are, at the present moment, torn, moth-eaten, and covered with dust. A Monsieur Thévenot, a member of the Committee of Arts, offered to have them cleaned at his own expense, and to take a copy of them, but the chapter gave a direct refusal to his proposition. At Notre Dame in Rheims, there are other tapestries of the 14th century, which have been cut up, and now serve as carpets for the episcopal throne. But to make up for this, whenever they want decorations of this description for particular feasts of the Church, as is still the usage in Paris, for instance, in Passion week, they go at once to some repository of the kind, and, quite by chance, take what first offers without any reference to the sanctity of the place or occasion; thus, on the Good Friday of last year, the Saviour's tomb in the

* Gallery between the nave and the choir.

church of St. Sulpice was ornamented with tapestry hangings on which was embroidered in vivid colouring the *Feast of Antony and Cleopatra*, the attire of the Egyptian queen being of the most immodest and exceptionable character. On the same day, at St. Germain-des-Prés, *Venus bringing Cupid to the nymphs of Calypso* was considered an appropriate ornament! When we see the fittings up of Catholic churches managed in this fashion, knowing what has been destroyed and seeing what is admitted, we cannot help wondering what can be the thoughts of the persons who direct the ceremonies, and who, instead of being the depositaries of religious mysteries (which, whatever *we* may think of them, are held holy in their country), seem to make it their object to expose them to the sneers of educated persons and the false construction of the ignorant. We will close this part of our facts and observations by one striking incident. Between Montpellier and Lodève, at St. Guilhem, there is a church built, according to tradition, by Charlemagne, the altar of which was presented to it by Pope St. Gregory the Seventh! This altar was torn from the walls, and the materials piled up in the belfry by the *curé;* its place is now occupied by an affair in painted wood! The enlightened ecclesiastic could not surely be aware that he was thus outraging the two greatest names of the middle ages, Charlemagne and Gregory the Seventh!

After the moveable effects of the Church have been in this manner disposed of, there yet remain the immoveable ones; and these they try, the best they can, to clothe with modern disguises. And, indeed, there is scarcely a church in France that does not bear the trace of some of these anachronisms which are too frequently irreparable. Where the holy walls have not been disfigured by the pickaxe and the file, they have been inevitably disgraced by paltry whitewash. Those who had the good fortune to see a cathedral of the first order, that of Chartres, for example, ten years ago, before it was yellowed over with the abominable ochre which the bishop took such trouble to obtain, may readily conceive how much a church can lose in grandeur, majesty, and the beauty of holiness, by such a mean and ridiculous travesty. Statues, *bas-reliefs*, capitals, frescoes, monumental tablets, epitaphs, pious inscriptions, nothing is spared; the brush passes over and obliterates all; whatever recalls past ages of faith and fervent enthusiasm is hidden; or what cannot be entirely annihilated is rendered unrecognizable. Another *advantage* results from this, that the walls are more dazzling than the light which penetrates through the windows, deprived as these latter are of their painted glass, and the natural conductors of the light seem as if they were opposed to its passage. If we were to recount

the ravages of whitewash we should have to go through a summary of the ecclesiastical statistics of France; we shall, therefore, confine ourselves to a few facts that have recently come to our knowledge. In the splendid cathedral of Coutances, which has so long engaged the researches of archeologists, the late bishop had the two collateral aisles painted yellow and the nave white, while he oppressed one of the transepts with the shapeless mass of an altar to St. Peter, for no other reason but because my lord's own name was Peter! The *curé* of Boury, near Gisors, thought it decent to dress his very antique church after this wise: the walls *blue*, the pillars *pink*, and the plinths and cornices *yellow!* The Roman church of the famous abbey of St. Martin at Laon has been smeared with ochre from head to foot by its *curé;* and in the cathedral, the lovely chapel of the Virgin, which seems to have grown like a flower to the sharp lines of the northern transept, is covered with a thick coating of yellow, and the walls ornamented with a series of arcades painted in green marble with the pillars of saffron; an ecclesiastic of the cathedral has the credit of this masquerade! Nothing can be more frightful than the balustrade which projects from the extremity of the choir, and which is painted black for no other reason than because the wall against which it is placed is white. At the great collegiate church of St. Quentin, the choir is surrounded by five chapels, characterised, and justly, by M. Vitet in his Report to the Minister of the Interior, as "ravishing in beauty, and in taste and design altogether Saracenic." We do not know whether, when he wrote this eulogium, one of them was decorated with strips of paper painted in imitation of marble, precisely like the anteroom of a furnished hotel. The curious church of the abbey of St. Michael in Thierache has not been a whit more respected; its position is beautiful, being nearly surrounded by the vast forests which skirt the Belgian frontier; and it is an object of great interest on account of the eccentric disposition of its five *absides*, and its transept of the 12th century. The monks had repaired more than half of it in the 17th century, and had covered with marble all that remained of the old building. But, two years ago, its solitude and its elegance were of no avail to protect it against a general coating of yellow, orange, and white, which gives it a heavy look, and has altered the effect of its charming proportions. In the south, we have to lament the recent white-washings of St. André-le-Bas at Vienne, of Notre-Dame-du-Port at Clermont, of Notre-Dame-d'Orcival in Auvergne, of St. Michel at Puy-en-Velay, and of the cathedral of Lyons; the last is the handiwork of M. Chenevard, an architect, to whom, in the opinion of competent judges, is to be imputed the dilapidation of the ancient

nave of the cathedral of Belley, as well as the so-called restorations and distressing repairs of St. Vincent's at Châlons-sur-Saône. As to what is going on in Paris, we will borrow the energetic language of M. de Gasparin's Report:—

"They are now daubing with paint, and hiding with stucco, two chapels of St. Germain-des-Prés, while they are waiting for the collection of sufficient funds to do the same to the entire abbey. The church of St. Laurent is being disguised in apple-green and pale-blue colours distempered in oil, and the chapels are also being transformed into dark closets. The noble church of St. Sulpice, which had begun to look venerable under the pale and grey rust of antiquity, is now being scraped preparatory to a coat of whitewash."

It is not the clergy, but the Council of Civil Buildings that should be blamed for the odious system that prevails relative to the steeples of country churches. No one will deny that the Gothic spires and the pointed ones are the finest ornaments of a rural horison. But whenever one of these is in want of repairing, its doom is sealed; and, although it might be the oldest, the noblest, and the most graceful in the world, there is no pity for it. Directly they commence operations there is no pause until two pepper-pots, or something in the shape of a reversed cauldron, have superseded the tapering and heaven-ascending spire. This is the prescribed and rigorous regulation of the Civil Buildings' Council, from which no deviation is permitted, although the parish may wish to pay the expense of a different plan. The town of Charmes, in the Vosges, had nearly a hundred thousand francs of its corporation funds available for a repair of this kind; but, nevertheless, its elegant and tall steeple was compelled to give way to a paltry looking construction like one of the cupolas that *ornament* the national building in Trafalgar Square. A hundred similar instances might be cited if time and space permitted.

Before leaving the churches we must dedicate a remark or two to a special class of Vandals, who have made these sacred buildings their head-quarters: we allude to the organists. If it is a crime against taste to offend the eyes by anomalous erections, it is surely another to outrage the ears of sensible people by the travesty of religious music which excites any other sentiments than those of piety, and to employ in this profanation the king of instruments, the majestic and soul-stirring organ. Now throughout France, and particularly in Paris, the organists are obnoxious to this charge. We may be certain that as often as the powerful aid of the organ is required to add to the solemnity of public worship and to complete the sacred ceremonies, and as often as we see it advertised on large bills before a church in which some festival is to be held, that *Mr. So-and-so will preside at the organ*

(l'orgue sera touché par M. * * *); we may make up our minds, we repeat, to hear some airs of a new opera, waltzes, country-dances *et hoc genus omne*, but never a single note deeply imprinted with a religious feeling, or any of the grand compositions of the ancient masters of Italy or Germany, or even one of those old catholic melodies made for the organ, and for which the organ itself would seem to have been made. Nothing more grotesque and at the same time more profane than the system preserved by the Parisian organists can be conceived. It seems to be their object to show that the organ, under such clever hands as their's, can be managed as easily as the piano of the young lady at the corner of the street, or the regimental band as it passes along. Sometimes they descend a scale lower, and on Easter Day, last year, in the church of St. Etienne du Mont, we recognized an air well known to *bon vivants*, the first words of which run to this effect :—

" *Mes amis, quand je bois,*
Je suis plus heureux qu'un roi."
" My friends, when I sit down to drink,
I'm happier than a king, I think."

It is scarcely worth while for the Archbishop of Paris to interdict the use of theatrical music in the churches, when the organists introduce the music of the tavern. Yet these abuses, so patiently tolerated now-a-days, have been long ago forbidden by competent authority; and to rescue ourselves from the imputation of being querulous critics, we will conclude with two ancient canons which are to be found in the Breviary of Paris. The first is of the Council of Paris, in 1528, Decree 17.

" The Holy Fathers only introduced the use of organs in the Church for the worship and service of God. Therefore, we forbid that any loose airs shall be played on the instrument, and we only allow those sounds whose melody represents holy hymns and spiritual songs."

The second is an order of the Archbishop François de Harlay, article 32d of the statutes of the synod of 1674 :

" We expressly prohibit the introduction into the churches and chapels of profane and secular music, with lively and tripping modulations; or to play upon the organ such songs or other airs as are unworthy of the modesty and gravity of ecclesiastical music. Lastly, we forbid programmes or bills to be published, advertised, or circulated, for the purpose of inviting the faithful to the music of the churches, as if it was to theatrical pieces or spectacles."

In a future number we may continue our remarks on the state of things in Belgium connected with this subject, and perhaps on similar operations on this side of the Channel.

Art. V.—*The Statutes of Magdalen College, now first translated and published* by G. R. M. Ward, Esq. M. A. Barrister at Law, late Fellow of Trinity College, and Deputy High-Steward of the University. Oxford: printed and published for the Author, by Henry Alden. London: Jackson and Walford. 1840.

It is a convenient thing that men should couple with their actions a profession of the principles upon which they conceive themselves to act, because by so doing they establish a sort of summary jurisdiction—immediate and without appeal—to which their conduct may be referred, and thus much preliminary discussion may be avoided. Not indeed that the whole question is then settled by a decision in favour of the accused, because his court of principles may, from its falsehood, be without authority to any beyond himself; but if it condemn him, being of his own choice, he must surely be silent.

Now, if we mistake not, Mr. Ward has in the case of this publication erected such a tribunal as we speak of, and he must not therefore think us arbitrary in bringing him before it. He has, we conceive, through the medium of his motto,* and of his short preface, either directly or impliedly, laid down the following rules —rules, be it said, which we are as ready to admit as he is.

1st (for we will choose our own order in stating his principles), Mr. Ward holds, that it makes some difference in men's duties whether the matters in question be within their "charge," and whether they be concerned with them as "interested parties" or not.

2nd. That "the excellent purposes of the munificent founders of our establishments" are objects, the accomplishment of which should as much as possible be aimed at.

3rd. That, in speaking of other men's actions and concerns, none but a full and accurate, even though it be a rude and tiresome statement, should be given.

Here then we have a triumvirate of Mr. Ward's own choosing: let us hear their judgments in succession. And first, as to Mr. Ward's "charge" in this business. He has published one, and proposes to publish all the collegiate codes, and this whether the colleges themselves wish it or not. In other words, he intends to set these institutions in order as far as can be done by these means. He intends *pro tanto* to exercise visitorial power over them.

Now we learn from his title-page that he has various characters. Under which of them does he derive his commission? Is it as a

* "Whoso shall tell a tale after a man,
He moste reherse as neighe as ever he can
Everich word, if it be in his charge,
All speke he never so rudely, and so large."
Chaucer's Canterbury Tales, Prologue, 733.

Master of Arts? If so, the colleges have a pleasant prospect, for the number of those who are bound by like obligations to attack them is already inexhaustible, and there are fresh graduations daily. Besides we had thought that there were certain promissory oaths connected with that degree, which require the promotion of peace and charity amongst both persons and societies in the university, and which moreover do strongly incline against carrying beyond its precincts (even we should think before "public opinion") any cause of difference or debate.

But then Mr. Ward is a barrister at law. Does this make him Attorney-general to these charities? But he was once Fellow of Trinity College. And therefore he once had a right to interfere in the affairs of Trinity College; but what has that to do with Magdalen?

But lastly, he is Deputy High-Steward of the University. Now Mr. Ward ought to know, and, if he does not, it is high time he should be told, that not only if he were chief where he is deputy, but that if he besides this included in his proper* person the Chancellor and Vice-Chancellor, both the Proctors, the Registrar, and all the Bedels, he would nevertheless be as little entitled to meddle with the internal regulations of this college as if it were founded at Upsal or at Bologna, instead of in Oxford.

And this brings us to the intentions of founders, for which Mr. Ward professes so much regard. These intentions of course are various, to be variously and by various persons fulfilled; but it would at first sight appear difficult for a stranger to the foundation either to observe or to violate them. If we mistake not, however, Mr. Ward has discovered the only point upon which this was possible, and upon that point has done his utmost to oppose them. For let it be considered by the reader of these statutes, whether there is any one provision about which the founder has shown more anxiety than that of the jurisdiction to which his college should be subject, and the manner in which its discipline should be preserved.

He tells us himself that he† had observed and was well aware of the disorders which are apt to arise in such institutions; that he had seen the "steadfast frame of divers rules, ordinances, and statutes shaken by overmuch error, and how the gloom of thick night rushing in, had on all sides overcast the bright light of day." And in truth when we consider the almost innumerable quantity of endowed bodies, regular and secular, which existed in his

* We of course except Ingledew's composition, which is in the nature of a special trust (see the Statutes, p. 153); but as regards the foundation properly so called, neither the Chancellor nor the Proctors may even be the visitor's commissaries. Ibid. p. 156.

† Statutes, p. 159.

time, many of which were then of great antiquity, it is impossible not to be satisfied that he was as fully aware of the difficulties which he had to deal with as any one can be at this day. Indeed the thought of them seems almost to have decided him against trusting * his alms beyond his own administration, but at length he says, "after most devout invocation of the Divine aid as to what should be done, we inflexibly fasten the inward eyes of our soul on the relieving of poor scholars, being clerks, and sojourning in the schools; for we entertain a sure hope that men of letters, and who are imbued with a variety of knowledge, and who keep God before their eyes, and have a clearer ken than others of His will in the observance of rules, ordinances, and statutes, will more strictly observe our rules, ordinances, and statutes to them delivered." Here then was a distinct expression of confidence in the learning and piety of that class whom he designed to assist, and whom both in this and in many other passages, he refers for their rule of conduct and the sanction of their obligations to the all-pervading will of God. In accordance with this feeling he gave very considerable domestic powers to his college, and made it in some sort a check upon the visitor himself, and in order that none of the "individual consciences of interested parties" might be able to pretend ignorance of their duties, he desired that the whole statutes† should be read to the fellows and scholars once in each year. He did not, however, in the least design any greater publicity for them, for we find that he desired both the original Book of Statutes,‡ and all copies and exemplifications of them, to be safely kept in the chapel tower, and "strictly inhibited the president and all and each of the fellows and scholars from being over ready and hasty in displaying" these and their other evidences.

The same care is shown in respect of external jurisdiction. By the laws of that day the college was of common right subject in respect of parochial duties (sacraments, burial, and the like), to the parish in which it stood. It was moreover liable as an ecclesiastical foundation (whatever modern lawyers may say) to the ordinary visitorial power of the Bishop of the diocese. But from both these the founder was at pains§ to exempt it, and though, with such authority as he then acted under, there was hardly any imaginable form of superintendence within or without the university which he might not have created, he deliberately preferred that of his own successors in the see of Winchester, to whom or to whose ecclesiastical representatives he chose to assign, with but one exception, a final and unappellate jurisdiction.

* Statutes, p. 160.
† Ibid. 54.
‡ Ibid. p. 139.
§ Chandler, p. 143.

Now by what ingenuity are we to reconcile Mr. Ward's practice with his profession in regard to this—to him the only violable point in the founder's intentions?

He has without any warrant but his own will condemned as insufficient the integrity of that class in whom the founder confided; he has by means of a MS., at some time or other surreptitiously obtained, denied them the exercise of that discretion, in regard to the publication of their statutes, which the founder allowed them, and of which it is well known that they endeavoured to make use. He has moreover wilfully set aside the mode of superintendence which the founder so carefully framed, and has preferred, both to the visitor and to the college, a herd of popular readers whose ignorance even of Latin, and whose total unacquaintance with academical and ecclesiastical history, render it hopeless that, with the best intentions, they should be in any degree able to judge fairly. Can Mr. Ward persuade himself that he has herein obeyed the founder's wishes? Can he deny that the founder contemplated the possibility of abuses, and that if he had thought fit he might by way of remedy have directed that these statutes should be published in English every year from "Paul's Cross," or from the stone pulpit in Magdalen College quadrangle?

Nay more, can he distinguish between the principle which induced the founder to desire this privacy of jurisdiction amidst the numerous tribunals of his day, from that which requires a like privacy now? Is President Routh less learned or less pious than Presidents Tybarde and Mayew?* Is uninterrupted tranquillity less essential to study and devotion now than then? Was it more vexatious to be forced into the Court of Arches, or taken by appeal to Rome, than it is to be dragged before parliament by Lord Radnor, or before public opinion by Mr. Ward?

Lastly, are the modern tribunals, such as have lately been resorted to, more just, more wise, more deliberate than those excluded from his college by Waynflete? Bad as Rome may have been, was it worse than the triple-crowned popedom of self-will, hastiness, and party-spirit, which rules amidst the popular assemblies, and over the popular opinions, of this day?

Mr. Ward then can hardly escape censure, first as a meddler when he had no "charge," and next as a violator of intentions which he professes to hold sacred; but these are not our worst complaint against him. Has he been faithful in his usurped office of public prosecutor? Has he (to quote his own author) "as wel sayn o'word, as another?" Has he made "the wordes cosin to the dede?"

* Chandler, pp. 144, 145.

Let us ask then what ordinary reader, when he is told that these statutes are translated "from *the* MS. in the Bodleian Library"—that they are "the first in a series of all the collegiate codes;"—when they are spoken of as "the unchangeable ordinances themselves," by reference to which "public opinion no less than the individual consciences of interested parties," are "to canvass the question, how far any aberrations of practice are justified or unallowable:"—what reader, we say, when he has this volume so brought before him by a person learned in the law, and holding a judicial office in the university, can doubt that, by perusing it, he will be fully qualified, if a constituent of "public opinion," to condemn the whole Society of Magdalen College—if an "interested party," with an "individual conscience," to condemn himself, for all and every thing which may be amiss in the affairs of this foundation? And yet after all, what does Mr. Ward's translation do for us? Is it certain that it even exhausts the original provisions of the founder? Still more, does it show what is the fixed and authorized sense of the various statutes? Lastly, does it point out the changes, which, though Mr. Ward calls them "unchangeable," these ordinances have beyond all doubt undergone?

Now it appears that the foundation of Magdalen College, like that of many others, was not perfected at once; that it existed first as a Hall,* then ten† years later as a College, and as a College for twenty-one‡ years without written laws; that it then gradually received statutes, at§ intervals, and relating to detached matters; that|| the founder after this "delivered to the society his statutes in a body, still subject to his revisal, additions and alterations." That he sometimes dispensed¶ with, and sometimes expounded these statutes in a particular sense; that there is at least one statute which** was omitted (it is thought by forgetfulness) from the general body; that several decrees were afterwards added by the founder; and that, when he was dying,†† "in various matters, which for some reason or other were postponed, he declared his mind and pleasure to the president of the college, to be fulfilled by the society after his decease."

All these points are ascertainable from Chandler's Life of the founder, which must have been within Mr. Ward's reach all the time that he was busied upon his translation in the Bodleian Library. But even without this labour of research, we think that Mr. Ward might have found internal evidence in these very statutes themselves, which might have made him doubt their perfectness. Of this we have collected the proofs, and they lie ready

* Chandler, p. 49.
† Ib. p. 94.
‡ Ib. p. 144.
§ Ib. pp. 146, 152, 155, 156.
|| Ib. pp. 162-3.
¶ Ib. p. 164.
** Ib. p. 206.
†† Ib. p. 217.

written before us; but in mercy to our readers, who have yet much to endure from us, we omit them.

We think, however, that we have adduced enough to show that, without access to the Magdalen College records, both Mr. Ward and his readers are likely to obtain but indifferent testimony even as to the final statutes of the founder. But, further than this, does Mr. Ward, by rendering these statutes into English, thereby give us at once their full and true sense? He will doubtless tell us that the "grammatical and literal" meaning alone is to be endured, and therefore that if he has used* Ainsworth discreetly, and has steered through the intricacies of case and gender, the whole work is done. But we question much whether Mr. Ward has considered that the language and forms of these statutes belong to a system of ecclesiastical law, well known and accurately defined at the time of Bishop Waynflete, but which has now become obsolete. That it is therefore at the very outset a question what a canonist of that day would have admitted to be meant by a "grammatical and literal" interpretation. We know from Lyndwood that a grammatical exposition of Holy Scripture is one which excludes "*sensus mysticos et morales;*" but a man, who on the plea of grammar had in his teaching differed from the "*determinata per ecclesiam,*" would doubtless have found it but a slender protection; and so we may perhaps be inclined to suspect that a grammatical interpretation of these statutes, which should set any known rules of the canon law at defiance, would have but little countenance from the founder. Or if Mr. Ward does not like the canonists, he can hardly object to Lord Eldon; and we therefore recommend him, at his earliest convenience, to consider the opinions expressed about such interpretations by that great judge in the case of Queen's College.

Nor again will it suffice to say that this is a question of "individual conscience," and that the members who have sworn to accept none but grammatical interpretations are bound to reject all which in their individual opinions are not such. If so, the founder must have designed chaos instead of order, and must have anticipated the self-will and private judgment of our own distempered times. But, in truth, conscience was not in those days suffered to be so isolated and lawless as it is now. It had its fixed rules of conduct, and for difficult cases it had its learned doctors. It had, too, its open accusations, trials, and punishments; for though perjury upon a promissory oath is not recognized by the

* We have not had leisure to compare Mr. Ward's translation with the original, and therefore we pass no judgment upon its accuracy. We use it in this article as the most convenient way of citation. Had Mr. Ward published the Founder's Latin with his English (or without it), he would at least have contributed a valuable fragment to college history. As it is, no practical man will quote his publication as an authority.

common law, it was otherwise under the canons, and we have in fact seen a visitor's injunctions, in which he threatens his college with ecclesiastical disabilities as the consequence of violating their oaths.

And besides this, it is plain, that anxious as the founder was to cut off all those occasions of laxity which the abuse of the dispensing and interpretative powers had afforded in other foundations, he by no means intended to set up this arbitrary tribunal of "individual conscience" against all other authority. Nothing can be more clear than his dread of* "subtle contrivance" and "fraud," of "sinister† interpretation foreign to the scope of his intention," and of "far-fetched colour,"‡ which might "infringe" or "take away, or change the tenor of" any of his statutes; but at the same time he did not intend that each man should be (as it has of late been said) "his own Pope," but evidently contemplated that in any case of doubt or§ discordant opinion as to the sense of a statute, the point should be first debated within the college; and then, if no "plain and sound meaning" could be thus had, "the final judgment, interpretation, and declaration" of the Bishop of Winchester was to be "obeyed and effectually complied with" under the duty of the college oath.‖ And then, again, though the Bishop of Winchester is tied to "the plain sense" and "common understanding," and though his exposition must be "grammatical and literal," yet it must be "in the highest degree, and with the greatest aptitude, answerable to the case or doubt started;"¶ and therefore not absolute and invariable, but relative to the immediate difficulty. And, lastly, in the said Bishop of Winchester for the time being the founder "reposed sincere confidence," and has left to his conscience (and not to Mr. Ward's, or to ours, or to those of "parties interested") the final resolution of all doubts. Now that in the course of near 400 years, amidst all those "changes of times and manners," which have been incessantly at work, and in continual contact with these institutions; that in this long period of revolution doubts almost innumerable must have occurred, must have been debated, and must by the competent authority have been decided, is so evident, that we are almost ashamed to call attention to it. "Nihil est tam clarum quod non valeat aliquâ dubitatione obfuscari," say the civilians, and we think that the common law might have taught Mr. Ward as much; but in truth he admits it himself when he speaks of "aberrations of practice being justified or unallowable," only he thinks that this was never found out before, and he is anxious to be admitted to a power from which the

* Statutes, p. 160. † Ib. p. 161. ‡ Ib. 162.
§ Ib. p. 162. ‖ Ib. p. 163. ¶ Ib. p. 163.

founder has excluded him, and that he should be allowed to legislate de novo upon points which, for aught he knows, have long since been decided in a manner obligatory upon the consciences of all concerned.

But granting that these are the founder's complete statutes, and that we understand them as well as the President and Fellows of Magdalen College, are they "unchangeable?" or rather have they never been changed? Is there nothing to omit—nothing of later date to add to them? Mr. Ward's own opinion is not very clear; for while he calls them "unchangeable ordinances," he also suggests the possibility of "aberrations of practice" from them! And so he leaves us in a dilemma at the very outset.

Fortunately, however, the point is not quite new to those who have had any occasion to consider such matters. And first, it is beyond doubt that William of Waynflete desired, as far as possible, to prevent all changes in his statutes except what he might make himself. This is forced upon the reader at every turn. But what was his own view of the limits of this possibility?—and what are these limits, considered absolutely and upon sound principles? We put these as separate questions, but they in fact require only one answer; for, first, we feel convinced that the founder's own view *does* agree with sound principles; and, secondly, if there were any doubt of his meaning, we should be bound in charity to refer it to those principles; and, lastly, if it were plainly at variance with them, then these principles must prevail over it. It seems then to us that the founder legitimately might, and did, intend to restrain, not only all irregular interference with his statutes, but also all legitimate exercises of power over them, which might proceed from parties having less authority than that under which he himself acted in imposing this restraint. It seems further that it was competent to him to require (as he has required) of the members of his college, by way of private and personal obligation, that they should neither voluntarily seek any relaxation or change whatsoever in their statutes, nor accept any such when the acceptance might be optional only and not compulsory. In other words, the founder, having obtained the sanction of papal and royal authority to the immutability of his statutes, might properly restrain all inferior powers from attempting to change them; but being himself born under allegiance to the State, and baptized into the obedience of the Church, he could not exempt either himself or any others so born and so baptized from his own and their primary obligations to these powers.

Whensoever therefore the supreme authority of either Church or State (according to the subject matter) should interfere, it must have been contemplated that both the founder and his foun-

dation should bow before it. But then again since none can doubt that private men may establish obligations amongst themselves which shall prevail in conscience until superseded by higher duties, so it appears reasonable that the oath against dispensations, being in its origin lawful, and by no subsequent legislation rendered illicit, should prevail, as a conscientious restraint, in all cases where the interference of the supreme power should be merely permissive. If then by any legitimate authority any changes, not permissive only, but compulsory, have been made in these statutes, every obligation as well of conscience as of law, which applied to them in their original state, will sanction obedience to them as thus changed.*

We think therefore that it behoved Mr. Ward, before he called these ordinances "unchangeable," to have inquired whether some higher authority than public opinion, or private conscience, whether some more pressing occasion than changes merely of "times and manners" may not have disturbed their provisions, and thus far varied both their legal and moral force. And this he was more especially bound to do with the utmost diligence in such a publication as the present; since, as already noticed, it is avowedly designed in great part for persons unacquainted with Latin, and therefore little likely to possess that knowledge, the want of which has of late, more than once, led educated men—nay, wise and politic statesmen,—to speak in a manner little short of ludicrous about these institutions.

Fully to supply Mr. Ward's omission we hold to be impossible for any one who has not access to the Magdalen College records; and therefore we do not reproach him for the omission itself, but for embarking in an undertaking where its occurrence was inevitable, and yet where the evils resulting from it were so plainly to be foreseen. Some idea, however, may be formed of the extent of this defect, when we tell our readers that there is an act of parliament of Edward VI., by force of which, the whole of Thomas Ingledewe's composition (which occupies six pages of Mr. Ward's translation, pp. 149—155) may have been, and probably was, altogether or materially changed. That by the various acts of uniformity, and by the canons, rubrics, and injunctions connected with, or subsequent to, the Reformation, some other twelve or fourteen pages of the statutes became subject to the same process. That Magdalen College, like the rest of the University, underwent four successive visitations from Henry

* In regard to the *form* of the oath, that is a small matter, if the true sense of it be understood. We know an instance in which, immediately after some changes such as we speak of, a reference to them was introduced into the oath. It has since disappeared again from the form, but surely it is in substance there still.

VIII., Edward VI., Mary, and Elizabeth, respectively; and that, though we (who are not of the college) do not, and cannot know all that was enjoined upon it in particular, we can and do know that changes, not only in matters directly religious, but in* well-nigh every thing relating to these institutions, were upon these occasions designed, and in many cases effected, by an authority then accounted supreme.

We must be pardoned therefore for rejecting Mr. Ward's title of "unchangeable," and for finding further reasons in what has last been said, for not hastily judging the Society of Magdalen College. And, were this a fit occasion, we might be disposed to enter into other points which our translator has probably as little thought of; such, for instance, as that of the legal authority for increasing the amount of pecuniary allowances fixed by the founder, and that of the effect upon the relative incomes of the several members, and upon particular portions of the statutes themselves, arising from the gifts of other benefactors, such as we see both presently and prospectively provided for in this collection of statutes (vide pp. 26, 114, 149), to which other matters perhaps might be added. We should also be glad to enlarge upon the questions already mooted; for those respecting the completeness of any given body of statutes—the interpretation of them, and subsequent changes in them—apply so generally to Collegiate foundations, and† in some cases, and upon some points so much more strongly than to Magdalen College, that it is most desirable that Mr. Ward, and those who, both in and out of Parliament, are so ready "to thrust their sickles into other men's harvest," should be made aware with how little credit to themselves, and with how much injustice to others, this interference must of necessity be attended.

And, on the other hand, it is much to be wished that the collegiate bodies themselves should not through haste or indolence, or any latent selfishness, fall into the opposite error of sitting lightly under their oaths, or of concluding because the careless temper of their immediate predecessors has left them without formal and acknowledged rules for ascertaining their obligations, that therefore the obligations are in themselves uncertain. As we have before hinted, most of these institutions are amongst the fragments of a vast ecclesiastical system, the

* *e. g.* Chandler says, the "year of grace," was altered to six months.—p. 164, note. For various arbitrary changes which were successfully resisted by Magdalen College, see A. Wood, Annals, ii. 101, ed. Gutch.

† We could give Mr. Ward an instance in which there were two bodies of statutes given in the founder's life; another where three and some injunctions were so given. Which of these will Mr. Ward constitute the "Codes" in his series?

other remaining portions of which are exposed to the same difficulties, and have suffered by the same neglect. But from this system its leading principles have not been altogether discarded, and these, if duly called into action, will, like the impulse of the heart, gradually give vigour to every portion of the maimed, but still living, frame of our Church polity. With patience therefore, and some little labour of research, we are confident that these learned bodies may redress the neglect of those who have gone before them, and establish their domestic discipline with its attendant obligations in a manner becoming scholars and Churchmen.

For though it would be more easy, doubtless, to cut the knot than to untie it, and by legislation to establish a new platform for these foundations after the model of some Prussian or French academy, such is not the true principle either of our Church or of our civil constitution. To avoid small present difficulties by the sacrifice of great and ancient principles—to discard all the past as a dream, and to find reality only within the compass of the day and the feelings and wants of one generation,—may suit those who acknowledge no Fathers in the Faith, no ancestors in kindred or country. Such, however, is not yet altogether our case. The sloth and corruption of many of those to whom our ancient institutions were for the time committed has damped the ardour even of their friends, and has given their enemies power well-nigh to overthrow them. But the progress of our reforms has taught us more and more that it was to the men, and not to the things—to the persons, not the institutions—that those reforms should have been applied; and that in shaping our methods for the cure of transient evils, we were adopting schemes so narrow or so lax, that there would be henceforth little opportunity for the growth of permanent good.

That the colleges have been preserved inviolate amidst the first fever of these times cannot be made the subject of too much thankfulness; but their members must not think that the storm has altogether passed away, or that, as long as the Church has enemies, they, who are her children, can ever be in repose. Still less must they forget—what all around calls upon them so imperatively to remember—their duty to that Church in her distress, the heavy guilt of talents neglected or misapplied, the solemn account which waits upon oaths broken and trust abused.

It may be that this generation might escape with personal security from mere external change; for "vested rights" have a claim upon modern selfishness which no weight of authority, no sanctity of association, has upon modern reverence. But if it should be willing thus to escape, traitorous and dishonoured—thus "*propter vitam vivendi perdere causas*,"—there is another

account yet behind; and when men see the Church (which in her day of power protected, in her day of wealth endowed, in her day of honours delighted to honour these institutions,) deprived, in her day of need, of their assistance, through the faint hearts or the faithlessness of their sworn defenders, they will be apt to ponder upon the recompence of these things, and to remember the grave tone of the Psalmist when he refers to those "children of Ephraim who, being harnessed and carrying bows, turned themselves back in the day of battle."

But we hope, nay in some degree we know, better things of the colleges. In more than one case, even within our own knowledge, the task of honest inquiry has been begun and vigorously carried forward. And if those concerned in it will but resolve to abide fairly by its issue, and will but pursue it as a matter of law and history in regard to the facts, and of sound casuistic science in regard to the moral obligations resulting from them, we have little fear but that the thread of these old systems may be resumed, their ancient vigour and usefulness restored, and that they may yet transmit to future ages that unbroken chain of thought and feeling, by which they have hitherto, (perhaps more than any of our institutions,) bound up the past with the present history of our Church, and thus helped to maintain, amidst evil days, the sense of its continuous and Catholic existence.

Our readers, however, will think that if we have any further objects in this article it is time we should approach them; and therefore, with earnest advice to Mr. Ward to consider well before he pursues his present intention of publishing a collection of misstatements as to college obligations, and with a hearty disclaimer of any unkindness towards him personally,*—for in truth he has but acted, perhaps inadvertently, upon one of the false systems of the day,—we will address ourselves to the remainder of our task.

We have shown above, if we mistake not, that these statutes cannot be fairly taken as evidence against the Society of Magdalen College, and as such we have repudiated them; but, on the other hand, it seems probable that they give a general outline of the foundation as it at one time or other was, or was designed to be, constituted; and in this light they present a subject of considerable interest, and one to which we wish to draw the attention of our readers.

And here, were we writing in the eighteenth instead of in the nineteenth century, the plan of our article would perhaps be this: We should say something about the "curious picture of manners"

* We wish to be understood as speaking of Mr. Ward merely as he comes before us in his publications. We are assured by those who know him, that he is a gentleman of much candour, honourable feeling, and manliness of mind, in spite of a late pamphlet of his, which we hope and expect he will one day wish unwritten.

which these statutes unfold; we should refer our readers to those parts which illustrate the change in the value of money, and quote the "*Chronicon Preciosum*," in order probably to confute it. We should then draw attention to the importance of such "evidences" and "monuments" in tracing the origin of customs and the meaning of words. After that we should soundly abuse the schoolmen for dunces, and laugh at the "superstitions of those days." The founder we might call "pious and munificent," hinting all the time that he was far beyond his age; nay, we might go so far as to assert that he was a Protestant, and perhaps succeed in proving him no Catholic. After this we should proceed to James the Second and Dr. Hough, when we should speak at large of Popery, Despotism, and the Bill of Rights. And then, having bestowed no small praise upon the "polite genius" and the "rational religion" of our own times, we might conclude with a hope that Magdalen College might long continue to promote "virtue and good breeding," "letters and civility," in this great and free nation.

And why is it that such a strain would but ill satisfy us now? Is it that we are in ourselves wiser and better than our ancestors? that we are more *capable* of deep thought and feeling than they? Is it not rather that they lived in times when men were tempted to carelessness and fell, while we are forced to be watchful, whether we will or not? For the state of good and evil amongst them may be likened to that of opposite forces during a long and unprofitable truce: ours is as the breaking up of armies and the hurrying to and fro of men preparing for the fight. And in the field we speak of there lie two hosts: on the one side are the encampments of the Church, pitched after the model set by her first captains; on the other are the gorgeous armaments of the world, and of those sects which hate the Church more than they fear the world. But between the lines there is a mixed multitude; and in it, alas! are to be seen the sworn soldiers of the cross, their weapons laid aside as cumbrous, or discarded as unpleasing to those with whom they have so long joined in pleasure and interest that they can scarce think that they are enemies. And during this hollow truce the world has quietly pressed on, and the Church has step by step receded, till at length we are come to this—that peace can no longer be feigned, and a sharp deadly struggle must ensue. Nor are we without warning of our danger: more than one blast has already sounded, and has startled even those who least wished to hear it. But we have been "eating and drinking, and marrying and giving in marriage" with the world; and now we rise up like men heated by the wine-cup, and giddy with the dance, entangled by interests we never should have pursued, softened by affections we never ought

to have indulged, and we know not our banners and our leaders, and we doubt our friends, and cannot yet strike our foes; and those who have been amongst us, but not of us, openly forsake us, and those who are faint-hearted would still fain purchase a short rest with the gold of the sanctuary, and try to "make a covenant with death, and with hell be at agreement."

No wonder then that they who remember what their cause implies, and who remembering dare neither to fear nor to despair, should look carefully around them—not to secure victory, for that they know is in other disposal than theirs—but to be sure that they fail not in the part committed to them—that they miss no advantage and leave none of the gifts of God unemployed in His cause. And, hence, where our fathers were curious antiquaries, we must be earnest inquirers for what may serve our needs. They might go into the armoury of the Church to wonder or to smile at its stores: we must go thither to search us out strong defences and keen weapons, such as were used of old; for the light trappings of the day will not protect us, nor the tactics which we have learnt of the world give us the victory over our teacher. Let us look then into the purposes and the construction of this ancient institution; and, supposing for a moment that these statutes (with the exception of such changes as it is obvious to a mere stranger must have been made in them) are entitled to the obedience of the society to which they relate, let us consider their practical bearing in these times and their value in our present necessity.

The times in which Waynflete lived were marked by great evils both in Church and State. The latter was distracted by contending princes—the former by schisms, heresies, and corruptions. Of the ecclesiastical disorders (with which we are more concerned than with the civil), the most remarkable were those arising from the rivalry of Councils and of Popes, and from the arbitrary use of power by the latter;—from the assertion of reason above faith, and from hasty and irregular, though zealous, proceedings against the authority of the Church—from the admixture of philosophy with religion—from different systems of theology warring with each other—from great danger to souls owing to appropriations and non-residence—from luxury and ignorance in the clergy—from the decay (at least in England) of sound classical learning, and from a hasty entrance into holy orders without the study of divinity—from the irregularity of the mendicant orders, who were openly at war with the priesthood, denied them their just rights, and preached up a fantastical state of poverty.*

* This description of the 15th century, about the middle of which Magdalen College was founded, may be supported from Collier, Mosheim, A. Wood, and others.

It was in these unhappy times that Waynflete, having at heart* "the exaltation of the Christian faith, the advancement of the Church, and the increase of divine worship, and the liberal arts, sciences, and faculties;" and "trusting in the goodness of the Sovereign Framer of the universe, who knows, guides, and orders the wills of all who believe in Him," sought, out of the good things which it had pleased God to bestow on him in this life, to lay up for himself a treasure in the next. He was, it is said, of "worshipful descent,"† but he did not account so highly of it, but that when he was enrolled amongst the chivalry of the Church, he followed that‡ "right proveable" custom which in those days took away from "a learned spiritual man" his father's surname, and gave him for it the name of the town in which he was born. Nor yet, though anxious that the collegiate family which he was founding "should continue for ever, and its dwelling-places endure from one generation to another," did he seek to "call the lands after his own name;" but, rather desiring a perpetuation of good works, and the honour of one of God's servants, than the indulgence of a selfish pride, he dedicated his princely foundation to the memory of a saint, whose claim upon his preference seems to have arisen from her patronage of a pious house by which he had himself been benefitted.§ Of his personal history we need say nothing more than that his eleven years' mastership of Winchester School, his Mastership and Provostship of Eton, his position in Church and State, as Bishop of Winchester, and as Lord High Chancellor, and his frequent and difficult public employments, give assurance that if ever any man was qualified by variety of experience to combine into one system whatever might best advance the Church at his day in learning, in discipline, and in social influence, he was so.

With such objects then in view and with such capacity for their attainment,‖ the plan which he pursued was this:—first, "as scriveners use to try their pens on a small piece of paper before they begin what they fairly intend to write,"¶ he thought fit to institute at Oxford an endowed "Hall;" but this he afterwards translated into a "perpetual College of learning in the sciences of sacred theology and philosophy."**

Of the difference between this and the previous foundation it is needless to speak. The end was in each the same, namely,††—

* Statutes, p. 1. † Chandler, p. 3.

‡ Holingshed in Chandler, pp. 11, 12. His family name was "Patten," or "Barbour." Waynflete is a small town in Lincolnshire. § Chandler, p. 20.

‖ We purposely omit to consider how far Waynflete copied from other institutions. The adoption of statutes by such a man is equivalent to their deliberate composition.

¶ Fuller. ** Chandler, App. p. 393. †† Ib. App. pp. 323 and 390.

" the extirpation of heresies and errors, the improvement of the clergy and the ornament of Holy Mother Church, whose ministrations are to be committed to fit persons, *quæ velut stellæ in custodiis suis lumen præbeant et populos illuminent doctrinâ pariter et exemplo.*"

Having these purposes the founder seems to have thought that too spiritual a character could not be bestowed upon his college. And therefore he procured the consent of the supreme ecclesiastical power as well as of the crown. The first stone of the building was laid under the high altar. The society had granted to it all parochial rights, and thus became a church. And, as a church, it was (like any other peculiar) subjected, even in the probate of wills, to the diocese of Winchester.

Within this sacred enclosure it was the founder's desire that God should be in two ways served. Directly—by praise and prayer and holy sacraments;—indirectly—by diligent study, by obedience and discipline, by unity of heart and mutual charity.

For the former purpose he provided that, besides the body of students, there should be four priest chaplains, eight clerks, and sixteen choristers;* that both his "demyes" and his fellows should, previously to their election, be "competently instructed in plain singing;"† that the twelve ministers of the altar‡ should daily perform numerous divine offices in the college chapel, "with the greatest devotion, honour and perfection."§ "‡And because the house of God demands unusual comeliness," he made particular provision for the repairs of the chapel, and furnished it with splendid vestments and decorations. And he thought it a fit cause for destitution of commons,‖ if all and singular the scholars and fellows were not "earnest and frequent in their attendance at the divine offices, services and duties." He also restricted the number of those who might be absent from the college at the same time,¶ "lest by such means divine worship should fall off." **He moreover provided the members of his foundation with a directory for private prayer, in which the holy undivided Trinity should be worshipped, and the souls of God's servants, living and departed, prayed for. ††For the latter purpose, too, he appointed solemn and stated times and forms in the chapel. He made also large provision for divine services of various kinds, after the usage of the Church in those ages.‡‡ And he particularly required that "the president and each of the fellows of the said college do hear, every day, if they conveniently can, one mass, unless they be priest-fellows, who say it in their proper persons."§§ And

* Statutes, pp. 2, 3.
† Ib. pp. 23, 27.
‡ Ib. p. 48., and Chandler, p. 186
§ Ib. pp. 38, 114.
‖ Ib. p. 62.
¶ Ib. p. 74.
** Ib. p. 94.
†† Ib. p. 96, et seq.
‡‡ Ib. p. 114, et seq.
§§ Ib. p. 98.

then the festivals he would have marked with particular honours, requiring the services to be performed by higher personages than the chaplains, and being very minute in his directions as to the various degrees of observance to be practised. He also remembered the curse upon him "who doeth the work of God negligently,"* and that "the house of God should be the house of prayer," and therefore required a "calm, subdued and modest" conduct at the times of devotion; appointed a decent order in the choir and in processions, and obliged his fellows to join together in the responses;† and lastly, on the prospect of decaying means, he preferred the sacrifice of nearly the whole college to the cessation of divine offices.

For the other purposes of his foundation he made the following provisions: The persons he appointed to consist of a president, forty fellows, and thirty demyes or "poor scholars," besides menial servants. The president was to be "the head over all the scholars, fellows, clerks and ministers, and others whomsoever being and living" in the college.‡ He was (as we learn from the charter of foundation) to be "an ecclesiastical person,"§ and (as provided by the statutes||) either a doctor of divinity, or of canon or civil law, or of medicine, (both the laws and physic being then studied by ecclesiastics,) or else a master of arts; former fellows of the College or of New College were alone to be eligible.‖ His personal qualifications were to be such as might best advance "the good and wholesome government¶ and earnest care of the said college, its lands, possessions and rents, spiritual and temporal, and the preservation of its rights." In discipline the statutes were to be his rule,** nor was he to be moved to partiality by any "prayer, fee, love, fear, hatred, envy or favour whatsoever."†† And where his authority was insufficient, he was to call in that of the Bishop of Winchester, the patron of the college. The property, both real and personal, was to be his peculiar charge;‡‡ he was to conduct law-suits at his own discretion when trifling, with the advice of the fellows when important; he was to transact all business and maintain all college privileges. His residence, unless interrupted by the affairs of the college, was to extend to at least nine months in the year. He was to procure the speedy adjustment of quarrels. He was to look to the repairs of the college buildings.§§ He was to be obeyed by all and singular the scholars and fellows, and the officers of the college,|||| in lawful and reputable injunctions, commands and acts in anywise touching scholastic exercise, and the statutes and ordinances of the college,

* Statutes, p. 124-5. † Ib. p. 166. ‡ Ib. p. 3. § Chandler, App. 391.
‖ Stat. p. 5. ¶ Ib. p. 6. ** Ib. p. 10. †† Ib. p. 11.
‡‡ Ib. p. 13. §§ Ib. p. 15. |||| Ib. p. 49.

where given in the presence of two fellows." He was to regulate the engagement and dismissal of the chaplains, clerks, choristers, and college servants.* His office requiring him "to bestow much and diligent care, and very many toils, and more than the rest to canvass the business of the college,"† he was to be more amply paid. He was to be furnished with a sufficient number of horses for himself and others of the college, who might with him be required to travel on its business. He was to be decently waited on;‡ to have a discretionary power of inviting college guests.§ If sick he was to be fitly provided for.‖ If guilty of dilapidation, immorality, intolerable neglect or crime, or if incapacitated by disease, he was to be removed.

This slight sketch of the office of president will show, that under these (as under other) college statutes the duties of the head, as such, are comparatively little of a studious kind, and, in fact, if we remember right, we have seen instances in which the inability to practise scholastic disputations, and thus to rise in the world, is made the reason of an additional allowance. And it was doubtless with a view to this and to their public offices, that Edward the Sixth's commissioners freed the masters of colleges in Cambridge from all university exercises not necessary for their degrees,¶ and absolutely from all which were carried on within their own walls.** We must therefore feel the more grateful to those who have combined with their own immediate duties an attention to the interests of sound learning, and amongst these it is almost impertinent to say, that the existing president of Magdalen will ever occupy no common place.

But that neither the office might press too heavily upon the president, nor the discipline and business of the college depend altogether upon him, so that his absence would cause interruption, or his removal, sickness, or death, confusion, the founder provided him with assistants.

Of these the chief was the vice-president,†† who was to be "a fellow of the more discreet and elder men, and approved in life and morals," ‡‡who should represent the president in his absence, assist and inform him when present, and should moreover exercise some original power of discipline at all times.

Besides this officer, there were to be three others also, having discipline as their care. These were to be "of the more discreet and elderly fellows,"§§ and were to be called deans. Two of them were to be masters of arts, who should "superintend the lectures and disputations of the scholars and fellows, and espe-

* Stat. p. 68. † Ib. p. 68-9. ‡ Ib. p. 70. § Ib. p. 71.
‖ Ib. p. 78. ¶ Lamb. MS. Documents, p. 141. ** Ib. p. 146.
†† Ib. p. 20. ‡‡ Ib. p. 21. §§ Ib. p. 40.

cially those of the sophisters and logicians."* The third was to be either a scholar or a graduate in divinity, who should be present at the disputations, and compel attendance at the lectures in theology.†

The vice-president and deans being thus appointed to relieve the president in matters of discipline, "three fellows of the greatest fitness, good faith, and circumspection,"‡ were to be chosen as his assistants in regard to domestic economy and the management of property. These were the bursars, whose duty it should be "to receive the rents, issues, payments in kind, and proceeds of the benefices, manors, lands, possessions, and rents, by the view, and under the attestation of the president, or vice-president." And out of them (under the same authority) to defray the daily expenses of the college. They were moreover to superintend all the weekly stores, purchases of provisions and the like. For these bursars very accurate rules were laid down in respect of the framing of vouchers, the keeping of accounts, and the custody of their keys of office. And to them, as to the above mentioned officers, certain allowances were to be made for their labours.§

There was moreover to be, as the assistant of the bursars, a "Steward of the Hall," who was to be a graduate fellow, who should be appointed weekly, and by routine, to regulate the expenditure of the week, and see to the serving of the common tables.

And lastly, to omit menials, there was to be a "Clerk of Accounts," whose title describes his office, and who was to be engaged for a salary by the president and bursars.‖

To the account of these offices much might be added as to the mode of election to them, and as to the custody of muniments, the visitation of property, and other details appertaining to their discharge; but our readers would hardly thank us for these specimens of the founder's care and forethought; and therefore, having sketched the ministerial parts of the institution, we will proceed to the main body.

This having for its object "that holy Writ or Page, which is the mother and mistress of all other sciences, might dispread her rents with greater freedom, and either philosophy go on the warfare together with her,"¶ was to consist of "forty poor and indigent scholars," whose duty it should be to study in these sciences. And besides these there were to be "thirty poor scholars, commonly called demyes, who were diligently to learn grammar, logic, and sophistry."

* Stat. p. 40. † Ib. ‡ Ib. p. 44.
§ Ib. p. 88. ‖ Ib. p. 69. ¶ Ib. p. 2.

Of this double system we will imitate the statutes, in first describing the latter part. The "thirty poor scholars, commonly called demyes,"* were to be of good morals, and dispositions fully equipped for study, and able and likely to make real proficiency, competently instructed in reading and plain singing, and who should have arrived at their twelfth year." They were to be eligible from parishes and counties where college possessions lay. If not disqualified by the acquisition of property, and if approved by the president, vice-president, and three deans, they might be continued in the college till their twenty-fifth year. They were to lodge (as it seems)† in the chambers of the fellows, probably to perform services for them, and at all events to be under their control and superintendence. For the free instruction of this class (and indeed of all comers) in grammar, "which is demonstrably the mother and foundation of all the sciences,"‡ but which was not so attractive to Waynflete's demyes as logic and sophistry, there was to be a "Master-Informer" in grammar, with an assistant usher, (both to be appointed and removed by the president,) and no demyes were to be allowed to leave this study for another until they should be judged competent by the president, the grammar master, and one of the deans. For the better maintenance too of this branch of learning, (then in decay,) "two or three of the said thirty at least were diligently to apply themselves and devote their labours to the mysteries of grammar, and to verses and the other arts of humanity, for such space of time, that they might not only be of advantage to themselves, but might be able and have power to instruct and inform others also."§ They were, in short, to be made thorough philologians. The other points affecting this class are not numerous; and as they fall more or less under consideration in speaking of the fellows, we will now pass to the latter.

Of these the founder declares it "a paramount object"‖ that the number should be maintained at forty. ¶The demyes might be wholly suppressed, and even the staff of the chapel much reduced, before the insufficiency of means was to affect this number. These (who on their first election were to be called "scholars" only, and not "fellows," as being not yet incorporated into the body politic) were at the time of election to be "clerks,"** who, "having the first clerical tonsure, laboured under no canonical disability, except the defect of age, for the priesthood;"†† for which holy office they were even then to be "qualified and disposed." The most eligible candidates were to be "Bachelors or

* Stat. p. 23. † Ib. p. 134. ‡ Ib. pp. 23, 24, and 140.
§ Ib. p. 24. ‖ Ib. ¶ Ib. 166. ** Ib. p. 2. †† Ib. p. 27.

Masters of Arts, (it is not said that they must have graduated at Oxford,) out of the number of those persons who should be virtuous, chaste, modest, and suited to study," and should have been born in the dioceses and counties which are named by the founder, and have each their allotted number of fellows. *Failing competent persons from these favoured neighbourhoods, the same principle, which regulated the election of demyes, was to be followed; and those counties were to be preferred, in which the college possessed property during the founder's life. †And in default of Bachelors or Masters from these localities, there were "persons to be chosen from the said counties and dioceses out of the elder and better qualified scholars of the faculty of arts, who should be studying in the university, but should not be graduates; and failing these latter, scholars coming from the said dioceses and counties, who should be fairly instructed in grammar, and competent and suited to the study of logic: provided however that they should have completed the fourteenth year of their age." All these (like the demyes) were, as we have already noted, to be skilled in plain singing. And, lastly,‡ they were to certify on oath that they had not the yearly income specified by the founder as inadmissible.§

The candidates were first to be elected to a probationary year, during which they were to meddle with no affairs of the College, and hold none of its offices but that of lecturer.

* Stat. p. 26 and 167. † Ib. p. 27. ‡ Ib. p. 50. § Ib. p, 29.

§ These provisions we are the more particular in noticing, because we believe that due attention to the qualifications of candidates is among the most direct duties to founders, and one of the most obvious means of securing that the other portions of the statutes should meet with a ready obedience. And at the same time we have reason to fear that it is in this point that modern practice is exposed to danger. For, on the one hand, those preferences of particular neighbourhoods, which were as much the deliberate objects of choice as any other provision of the founders, and probably rested either upon some kindly associations of feeling, or upon a just regard for the interests of those portions of the country in which the colleges in question held property, but which they did not benefit by residence, have, if we are rightly informed, been of late slighted in one of the universities. And again, on the other hand, there is, to some degree, both at Oxford and Cambridge, an over-attention to intellectual qualities, if not to the exclusion, yet to the detriment of qualifications arising out of moral habits, of destination in life, and of the requisite indigence: and college places may thus sometimes become the rewards of a short and brilliant academical career, instead of being the means of support in future and higher studies, and the livelihood of a humble diligent clergy. To this error, surely, it must be attributed that in cases where the making of priests' orders is appointed at a particular period, and all the training of the statutes is made to point that way, yet laymen, who never design any holy office, are admitted into such fellowships, and are even considered to be so well entitled to them, that the loss of them, when the period of ordination arrives, is considered almost a hardship. And yet, undoubtedly, the founders usually designed that where holy orders were at any time to be taken, there the previous period should be spent in preparation for them. And this, Waynflete, as we have seen, very positively declares to be his meaning.

And then, so careful was the founder in the selection of fit persons, that he provided that they should undergo a second election at the expiration of the year, before they should become "true fellows."*

Of the persons elected it was not to be the choice only, but the "office," the "bounden duty" and the condition of their maintenance, to study in their appointed faculties.† If they should withdraw from college, with the intention of deserting study, their interest in the foundation was to cease.

Of the whole number, two or three were, by special selection and permission, to give themselves to the laws, and other two or three to medicine, under the same conditions.‡ Both these being then, as we have before observed, ecclesiastical studies, and §almost certainly the former, probably also the latter, being allowed with a special view to the advantage of the college.

The rest were to proceed in due form through arts, and then "forthwith to turn aside to the faculty of divinity, to which they were constantly and diligently to apply themselves, and not to meddle with the other faculties, saving only in the vacations."‖ To maintain proper diligence, not only the university exercises were required, but the reading of essays in the college, the hearing and discussing of Holy Scripture, and frequent private disputations were enjoined.¶ And, as we have already noticed the appointment of teachers in grammar, so it was also provided that there should be one or more lecturers in logic** and sophistry, who were to be chosen from amongst the fellows; and inasmuch as the founder, "with the greatest and most glowing desire of heart, did covet the diligent, profound, and assiduous instruction, not only of the scholars and fellows of his college, but also of all and singular other students, especially those who devote themselves to the faculties of philosophy and sacred theology in the university of Oxford,"†† he provided three lectureships, one in natural, another in moral philosophy, and the third in divinity whose lectures were to be open gratuitously to students from all parts, and of all kinds‡‡, and whose capacity was to be so much an object that the best men in the university (even though not of the college) were to be selected, and the statutes respecting places

* Stat. p. 30. † Ib. pp. 1, 2, 62, 82, 83. ‡ Ib. p. 3.

§ By the statutes of Queen's College, Cambridge, there is to be one physician and one jurist. "*Medicus autem teneatur gratis subvenire, suo consilio et industria, præsidenti et sociis hujus collegii, quandoque eorum aliquis ægrotaverit infra Cantabrigiam; si ad hoc per eorum aliquem fuerit requisitus:—Jurista vero civilis teneatur suo consilio, in omnibus collegii negotiis, gratis collegio subvenire, et coram quocunque judice gratis dicere pro collegio,*" &c.—c. 51.

‖ Stat. pp. 63, 64. ¶ Ib. pp. 59, 61, 130. ** Ib. p. 143.

†† Ib. p. 84. ‡‡ Ib. p. 86.

of birth was to be set aside (if necessary), in order to their admission, should they wish it, to the first vacant fellowships.*

But a mere academical study of theology was not what the founder designed that his fellows should be content with. We have seen before how he provided both for their private and public devotions, and for their bearing inferior parts in the celebration of divine service. But as he required that even at their election they should be disposed for the priesthood, so he ordained that all but the civilians and the physicians should, within one year after their necessary regency in arts, cause themselves to be promoted to sacerdotal orders, unless some lawful impediment should intervene;† and, when thus ordained, each was with all speed to acquire a practical knowledge of his duties by causing himself "to be instructed devoutly and frequently in preaching, and in celebrating the divine offices."‡ Particular portions of the chapel service too were to be occasionally performed by the priest-fellows; but lest these provisions should be turned to abuse by causing the neglect of residence and its accompanying studies and discipline, he guarded against the temptation which induced many a priest of those days

> "To run unto London, unto Seint Poules,
> To seken him a Chanterie for Soules," §

by ordaining that none of his fellows should celebrate divine service "in any other place than in the said college, so long as he be a collegiate there, by way of yearly service, or under any other colour," ‖ or receive any salary for so doing; and, lest the meaning of this restraint should be considered obsolete in these days, it is further provided, that the more plausible excuse of cure of souls shall be also disallowed; the parish of Horsepath alone being to be served by a fellow.

Further, to maintain that ecclesiastical spirit which he so much designed to inculcate, the founder having considered "the Wise One's saw," which teaches that "the clothing of the body, the laughter of the teeth, and the gait of a man, report concerning him; and that the truth itself of the Holy Ghost commands that the man who hath not a wedding garment be cast out;" ¶ and detesting the "grievous and passing perverse abuse" which induced

* Stat. p. 87. It is worth remarking with how much care the offices of these lecturers are appointed. Their remuneration was to be handsome (pp. 86—7), particularly that of the Theologian, who was to occupy a high station in the college (p. 89). The two philosophy lecturers might hold ecclesiastical benefices of a fair amount (p. 84), and the divine any amount of revenue whatsoever (p. 83), with their offices. Marriage too is not prohibited in their case, unless they become fellows. And thus men of mature years and great learning may at any time be procured to fill these places.

† Stat. 53. ‡ Ib. 59. § Chaucer, Prologue, 511.

‖ Stat. p. 59. ¶ Stat. p. 126—7.

clerks so to dress "that one who takes a hasty glance cannot distinguish a clerk from a layman," (we presume they inclined to black neckcloths, and velvet collars and waistcoats,) he prescribed the use of a sort of cassock, probably not unlike that in which the clergy even of the last century were not ashamed to walk the streets of London; he forbad also idle adornings of the person, the use of rich facings or borders, the carrying of arms, the indulgence in field-sports * and games of chance, the frequenting of taverns; and was careful that even when they were "away at their birth-places, they should be clad as clerks, and be of seemly behaviour touching morals." †

To describe the whole system of discipline which was to regulate the habits of these persons would be tedious and useless, unless we had space to consider the mutual connexion of the parts, and the wisdom, improved by the experience of ages, which probably was exercised even upon the minutest provisions in it. To men who are not used to see large bodies of studious and devotional clergy assembled together for common objects, many regulations may appear absurd, which yet for the due working of the whole, may be indispensable. But, as we have said, into these considerations we have not room to enter. We may note however, as separately worth attention, the reading of the Bible at meals, which is a very ancient custom of the Church, and has been (as how could it be otherwise?) abundantly sanctioned since the Reformation—the use, within due limits ‡, of Latin in conversation—the prohibition (as reasonable now as then, and both now and then very prudent) of the discharge of menial offices within the walls by women—and lastly, the provision which disallows the introduction of independent members (except of a certain class) probably from the disorders which they might cause in so ecclesiastical a system; a provision, be it observed, which is very valuable as discountenancing the modern error of looking at the colleges only as boarding-houses to the university.

Nor do we design to examine the various modes of election, the different methods of enforcing subordination, the authority of the patron or his ecclesiastical representatives, the gradations of rank, and mutual checks on power and trust within the college; nor yet the engrafted foundations, such as those of Ingledewe and Forman. We pass rather to the moral principles by which the founder designed that his institution should be upheld, and which at the same time it should be the means of teaching. These may be briefly described as the constant sense of God's presence, and

* Stat. p. 75. † Ib. p. 73.

‡ Ib. p. 81. "The presence of strangers or laymen, or other reasonable cause," are allowed as excuses.

of a future judgment; as charity and forbearance between the members of the body; and as devotion to one common cause.

Of the first of these, the passage which we have above cited (p. 357) gives proof that, notwithstanding all his precautions, he was aware that upon the piety of the persons, and not upon any mechanical arrangements, the success of his scheme must after all depend. We see, therefore, that, in accordance with this view, he was careful to bind his whole society together by oaths of the most comprehensive kind. He moreover continually refers to Almighty God as the judge of errors and the averter of evils which he foresaw; and besides the general provisions for devotion, we find that with the election of the president* he combined a mass of the Holy Spirit, and with the solemn reading of the statutes before Easter, and the scrutiny into the lives of his society which was then to be made, a mass of the Holy Trinity :† thus doubtless designing that upon occasions like these, when interested or angry passions might arise, there should be produced amidst them "a great calm" by the presence of such high mysteries.

In regard to charity, the founder was very express;‡ for he did "enact, ordain, and command, with strong injunction, and in the bowels of Jesus Christ did adjure the president of the said college, and all and each of the fellows and scholars, present and to come, that in all things and above all things they do ever hold, faithfully maintain and observe unanimity and mutual charity, peace and concord among one another; and be urgent with all their might, and pant after the cherishing and nurturing thereof."

And lastly, as to a common cause: this was to be the welfare and honour of the college, through it the advancement of the Church, and through the Church, the glory of God; and therefore, when men once became members of the college, they were to be as persons professed under a rule, and incapable of passing to another foundation.§ Its secrets they were faithfully to keep, its privileges to defend; its offices they durst not refuse, and for its business they were to be ever at command. The hall and chapel, which were the types of their collective life, were to be maintained in splendour. They were to elect those whom they believed likely to do honour to the institution; they were to escort their brethren upon solemn academical occasions; they were to instruct and advise each other, and to wear a common dress; they were to be careful lest their own conduct should bring discredit upon their society; they were to feel an affectionate gratitude towards it, and to be animated with "a virtuous zeal" for its good government; they were to remember its founder and be-

* Stat. p. 4, 5. † Ib. p. 55. ‡ Ib. p. 99. § Ib. p. 36.

nefactors with continual prayers; and when promoted, as it was designed that many of them should be, to higher stations in the Church, they were not to forget their early home, but "by sound advice, benefits, favours, and aids, as far as in them lay," sedulously to advance its interests.

Such, then, was this institution of the fifteenth century. Since Waynflete's day some four hundred years have passed, and have swept away with them the memorials of both good and evil men, have changed dynasties, remodelled governments, and have witnessed the extinction of Churches; and yet it has been the pleasure of God that our constitution should still bear traces of its ancient character, that our Church should remain Catholic, and that this college, which is her offspring, should count an unbroken succession from its founder down to this day. But is this succession one of persons and property only, and not of principles? Are these still Waynflete's scholars and fellows, his cloisters and towers, his goodly manors and rectories? but are his statutes, which were as the reasoning soul of his body politic, useless and obsolete? This question, as it bears upon the DUTIES of the members of his college, we have said, and maintain, that none but themselves or their visitor can answer. We know not even that these are *the* statutes of the founder; much less do we know how far they have lawfully been changed since. But if it be asked, with reference to the possibility or the advantage of carrying out in these days such a design as that contained in these statutes (supposing it to be indeed Waynflete's, and not since abrogated by fit authority), we will pray our readers to bear with us while we state cursorily our views upon this head.

And first, we cannot help believing that in the state of things amongst us may be found full as great evils as those of Waynflete's time, and many analogous to them. We have no rival princes, it is true, but we are not therefore without civil war and rebellion; and, even if we had not these, revolutions in the principles of government are surely not less dangerous or less lasting in their effects than mere changes of the persons of the sovereigns.

And then of the Church (which is more nearly concerned in this question than the State), what shall we say? that it is far more pure in its doctrine and in the persons of its clergy now than then? Certainly, and that it therefore is entitled to a more ardent affection from its members, and a greater zeal for its honour. But shall we who pray for the Church Catholic, and yet are severed (by necessity) from one great branch of it, and (by carelessness, it would seem) from another—shall we, thus isolated, speak of the divisions of the fifteenth century with in-

difference, as though they concerned us not? Is our apathy, whether there be any councils of the Church or not, a sufficient argument against our need of them? Or again, shall we upbraid those times with heresies, or shall we make light of Papal corruptions or the irregularities of the mendicants, when we have even within the Church—aye, and amongst her clergy—those who can ill bear her creeds and offices, when we are surrounded by open dissentients from her, when self-will dispenses and enacts like Rome, and when political and sectarian opponents are busy in defaming the character, exaggerating the wealth, and arguing against even the competent maintenance of the clergy? Shall we condemn appropriations, as though tithes were now all paid to the parochial clergy, or as though lay tithe-owners were better than spiritual? or shall we speak of the neglect of souls, as though industrial wealth, in creating itself, did not create innumerable multitudes whom it suffers to live and die like the beasts? Lastly, shall we scoff at the want of learning, which Waynflete designed to remedy, as if (whatever may be said of classics) our clergy were in these days to a man deep theologians?

But if our evils and Waynflete's are in great part the same, then two important considerations at once occur:—First, that if the intentions of founders are to preserve in these days any of that weight which the authority of the Church, the sanction of oaths, the frequent recognition of the legislature, the uninterrupted principles of the municipal courts, public policy, gratitude, and good faith, conspire to give them,—then no man may presume, by arguments drawn from new circumstances in the times, to rest only in Waynflete's final and least restricted objects—the honour of God and the good of the Church— and to reject those more definite and instrumental purposes which he sought to provide for in his statutes. None can doubt that, if he had thought fit, this prelate might have met the evils of non-residence and consequent neglect of souls, of impoverished cures and popular heresies, by establishing an "Additional Curates' Fund," or augmenting small vicarages, or sending out field-preachers, or adopting any other mode of bestowing his wealth, such as men in these days are so ready to adopt. But, instead of this, we find that after much thought he deliberately chose the method of this college. By what, therefore, short of arbitrary spoliation, may his choice be disturbed?

But, secondly, this identity of disorders in the Church ought to lead us to think gravely whether, taken all in all, Waynflete's means of judging what would best remedy them may not have been fully equal to ours.

That our faith rests upon purer objects, that our clergy as a

body are more cultivated, orderly and respectable now than then, it would be sinful alike and foolish either to deny or not to be deeply thankful for. But it is no scandal upon the Reformation to say, that, since it took place, we never have had permanently entertained amongst us the same large and systematic views of Church government—the same application of means to ends—the same wisdom in the forming of character—in the modelling of institutions—in the subordination of authorities and offices—in the meeting of difficulties as they arise—in the pressing forward where the path is open—in the yielding where it is useless to resist—as distinguish in its best days the practice, and in its worst, the theory at least of the Roman hierarchy. We do not, of course, mean that this hierarchy made no undue encroachment, that it was directed to no unworthy ends; these were its sins and by them it fell; but surely where the objects are such as no Churchman can question, and the means have been allowed to survive the Reformation, it would be somewhat bold for this undisciplined age to affect more knowledge of ecclesiastical polity than was possessed by the prelates and canonists of the fifteenth century.

Even then if we could not at once understand the value of such a scheme, it would be but modesty to doubt our own judgment; fortunately however we are not reduced to so difficult a virtue, for what can any one object against Waynflete's two principal instruments for the Church's good—the maintenance of continual liturgies, and the formation of a learned, frugal, obedient clergy?

Thus in regard to divine service, although we have reduced the hours of prayer to two, and although our practice falls short even of this profession, yet no member of a Church, which has made such provision for its daily offices, can deny the efficacy of constant united prayer, or can question that the rooting out of such evils "as false doctrine, heresy, and schism, as hardness of heart and contempt of God's word and commandment;" that the government of the "holy Church universal in the right way;" that the illuminating "all bishops, priests, and deacons with true knowledge and understanding of God's word, so that both by their preaching and living they may set it forth and show it accordingly"—in short, that Waynflete's expressly chosen purposes can be in any more certain way advanced than by that method of prayer which he appointed, and of which the Church has retained the substance while by her proper authority she has changed its form.

Pass we then to the formation of an able clergy. And here all are agreed that the clergy ought to have peculiar gifts; and all

but enthusiasts, that education is one of the means towards their attainment. But what are these gifts? As they are patterns to the people, holiness and self-denial—as they are intercessors with God, habits of fervent prayer—as they are teachers of the truth, knowledge—as they are opposers of error, learning—as they are rulers, diligence—as they are subject, obedience—as they are possessors of one deposit and dispensers of the same grace, unity of heart and tongue.

Now we cannot but think that to produce in our present needs a body of men thus qualified, would be almost worth the temporary sacrifice of half the parochial ministrations of the kingdom. But certainly to reject the use of means ready fitted for the work, and to violate oaths and to disturb rights of property in order to this rejection, would be well nigh madness. For supposing that it were possible at one word to create thousands of additional churches, such as are now a days created, where should we find curates willing upon such slender stipends to undertake such charges? Or if we could make all these men "comfortable," how should we, by means of such theological attainments as are common to the mass of our present clergy, oppose the acute unbelief of the Socinians, or the textual stores of the Independents, or, still more, the systematic traditions of the Romanists? Or granted that we found both men and arguments, how could the discipline of the Church, already half obsolete, be brought to bear upon these increased numbers?

For though we are far from imputing luxury in an odious sense to our clergy, yet who will deny that the general self-indulgence of the age is to be found as often in the parsonage as in the manor-house? And, in truth, if we are not misinformed, our bishops even now experience no small difficulty in providing curates for the poorer churches already in existence. And then, as to learning, there doubtless is much classical and general knowledge amongst our clergy; but surely no one who is aware that the University reading of a layman, increased by the superstructure of one course of divinity lectures, constitutes for the most part the whole stock of our young deacons, and that they are cast, thus furnished, into a whirl of employments which precludes all hopes of further attainments—no one, we think, who knows this much of our present methods, can expect that great divines should be rife amongst us. And yet, after all, what Church in the world is there whose tenets require more learning to understand and to defend them? We have no systems of theology, satisfactory from their mere consistency, to put ready made into the hands of our clergy. We cannot tell them to preach their own views of the Bible, and yet we cannot allow them to lay that Holy Book

aside. We protest against Rome and remain Catholic, and we protest also against Geneva and are reformed. Our hand is against all error and all error is against us. We appeal to ages so remote that they seem never to have existed, and we assert a present authority in the Church, which on one side is altogether denied, and on the other is made not judge or guardian but parent of the truth. How then shall we tread this middle path, or how shall we maintain this antagonist system, but by deep regular study, and by mastering those ancient truths which we positively teach, and also those modern schemes which we oppose? There was a time indeed when the Church of England was a learned Church—when classical knowledge was valued as the key to all wisdom, and the ancient stores of many nations were brought forth by it and strewed round the cross; but of late we have prized accuracy above both extent and variety of learning, we have scanned and accented until the words became to us more than the sense, and so the amours of the gods have been preferred to the martyrdoms of saints, and the playwrights of Greece and Rome have taken their places above the fathers of the Church. The handmaid therefore now stands before her mistress, and theology, "the crowning science," "the mother of all learning," must yield to what was once counted good only in as far as it served her. Can we much wonder then at those old holy men who thought that no purification could cleanse the captive women, and make heathen learning a meet companion for the Church? And yet by us must this be done; and therefore high time it is that our clergy should lay upon the broad base of their present attainments that higher knowledge of which we speak. Had this been sooner thought of, does any man believe that it could at this day be a question whether the theology of Hooker, of Taylor, and of Hammond, is not after all the produce of Rome? or still more could it have been possible that the bulk of the clergy should be directed to it, as to a forgotten thing, by the voices of a few of their brethren, and these latter be forced, against every principle of their own hearts and minds, to advocate as partisans that which they hold only because it is universal?

And, lastly, how stand we for discipline? What weight has the rubric? What deference do the canons receive? Is "nothing" done "without the Bishop?" What general sense is there amongst the clergy of their enrolment into a company where but one will should prevail, where all hearts should be drawn out from themselves and centered upon a common cause?

But these things need not be further pursued. We have said thus much of them with no pleasure—and we now gladly pass to the consideration, whether Waynflete's statutes may not give us an example how they may be changed.

Into their details we will not again enter. That portion of the subject with which we are now concerned may be described as the institution of a school of the Church which should afford the means of instruction to her clergy from the age of twelve years upwards: and when the time of education, commonly so called, has passed by, should give opportunity for studious men to lay up stores of knowledge for her service—which should throughout combine these means and opportunities with seclusion from the world—with habits of devotion, self-restraint, frugality, and obedience—with the constant idea of an interest external to each separate member of the body, but intrinsic to the body itself—with the sense of common wants, common honours, common losses—with the feelings of brotherly love and sacramental unity, and above all with the consciousness that the good gifts thus received were a talent for diligent traffic, that both men and angels were spectators of the discharge of those offices which for God's honour and his Church's welfare were here intrusted to his servants.

Now what is this but the outline of a miniature Church? It has been said by an author,* once famous but now forgotten, that civil societies and corporations owe their origin to the desire of restoring the relations which existed in the primitive family; and it is well known that religious bodies, both within and without the Church, are for the most part founded upon a parallel theory of ecclesiastical renovation. And as long as such combinations are subordinated to the Church, and derive their principles and their authority from her, surely we ought to rejoice that such helps to our weakness are allowed us. Who could realize the Church Catholic if he did not see it represented by the type of his own parish font and altar? The model, then, of ecclesiastical offices and discipline in their largest sense may be seen in the provisions of this collegiate institution; and, if so, to be reared under their influence, and gradually to accommodate the mind to their form and spirit, must surely be for the priesthood the noblest training which can be devised.

But that we may not be thought mere fanciful analogists, let us consider the question in a more tangible shape. These statutes (upon our present supposition) express the founder's wish, and have not been, except in certain points, changed by any sufficient power. They are therefore entitled (at the least) to a priority in our regard. It rests, then, with their impugners to dispute the method of life and study pointed out by them.

But how can this be done? For, first, the general principle of co-operation surely cannot be denied in an age which seems

* Bodin de Republicâ.

bent upon redressing the dispersion of Babel, by discovering symbols of common interest for every creed and language under heaven; which, if men are drunkards, combines them to become sober; if they are inclined for war, makes them each subscribe 5*s.* to promote peace; if they are disposed to almsgiving, associates them so that every one may give as little as possible, and all may be known by printed lists to be benevolent; which in politics has committee-rooms and public dinners; in amusement has clubs, with club-buttons and club-coats; in literature and science innumerable minor institutes, academies, and bodies ending in "cal," all referable to and represented in the Panhellenic meetings of the British Association; which in education, above all things, can concentrate worlds into a nutshell, and, by the aid of galleries and platforms, can simultaneously imbue hundreds of children with the knowledge which radiates, (we suppose at different points,) from the person of one teacher.

We conceive, then, it will be admitted that Waynflete might on good grounds require that the persons whom he designed to maintain should be associated together in one place; especially as the society of learned men has at all times been accounted one of the great aids of learning, and as it is indispensable to the maintenance of those common studies which constitute his scheme.

But for a body of more than eighty persons to live within the same precinct, and act unitedly, it is plain that not only a general understanding of mutual duties is requisite, but that minute rules of discipline in matters the most indifferent must be prescribed. A few mountaineers may combine for a sudden foray with but little preparation or concert, but the march of armies is a different matter; and every nerve of their soldiery must be trained to its appointed share of the work. And hence we find, that even in these lax days, when the world needs discipline for any visible purpose, there it will insist upon it. In the navy, in the army, at the bar, in manufactories, in companies, in the passage of the streets, in short everywhere that man comes in contact with man, and has to act with him or beside him, there discipline of some sort is to be found. The mechanical spirit of our day is in fact beginning to incline us to the opinion that society, from one end to another, is but a machine, and that a good political œconomist may by discipline regulate it as he will.

Modern theorists, therefore, must grant us a stringent discipline, or they will belie themselves. They must grant us further, that this discipline shall extend to the whole subject-matter of the institution; and this in our case, beside domestic arrangements, means the training of "a pious, learned, and useful clergy," from boyhood to the very grave.

But upon what principles are we to proceed? What examples are we to follow in this confessedly arduous undertaking? Are we to go to Homerton, or to Maynooth, or are we not rather to act in this respect as our Church acts in all others,—that is, by reformation and not by re-construction? Now it is well known that our doctrine and discipline, our ecclesiastical laws and customs, the rights of property and of jurisdiction belonging to our clergy, are all in the main based upon systems which were antecedent to the Reformation, and which were acknowledged to be of authority by the reformers in all particulars, which a reference to the more perfect pattern of the primitive Church afforded no grounds for changing. Is it too much, then, to require that our clergy should in their education be subject to a discipline established upon the same grounds as those which support every other portion of our Church polity? Is it unreasonable to say that the officers of a society, which, like the Church, justly pretends to be regulated by principles independent of changes in times and manners, should be trained in a system upon which these changes are allowed comparatively little influence? In short, upon what sound reasons can it be asserted that a method of collegiate discipline, which was relied upon before the Reformation, is inapplicable after the Reformation, except in so far as by the Reformation it was cancelled or superseded? Is it fit that we should derive clerical manners from the club-houses and drawing-rooms, or the tea parties and prayer meetings of this century? or is it right that we should look for them in the taverns, the coffee and chocolate shops, or the *Trulliber* parsonages of the last? If we are to take models amongst our clergy since the Reformation, what period can we safely select unless it be that which shall include Andrewes and Hooker at the one extreme, and Ken with his brother confessors at the other? But if this be so, then is our point disposed of, for they are in great error who suppose that during this period the ancient discipline of the colleges was either disowned or faintly enforced. It was, as far as we can learn, neither the Reformation, nor the great rebellion, nor any intermediate event, which relaxed in a material degree the minute obligations of college statutes. The Reformation bishops were strict and even harsh visitors, and the puritans loved all discipline but that which was palpably Catholic and divine. It is to the Restoration that this most fatal influence must first be attributed; and from thence onwards in the colleges, as in the Church at large, the substance of discipline was gradually withdrawn; and though the forms remained almost to our own times, they were but forms, and when new social feelings sprung up without, and a revived spirit of learning and religion within, they were swept

away like the sere leaves of autumn, and no man thought them a loss. But now again we are becoming wiser, and we begin to perceive, that though fruit be better than foliage alone, yet that without foliage fruit can scarcely be had; and as we both appreciate and long for the old rich produce of collegiate learning and piety, we must be content to seek it under the shelter of collegiate discipline.

The only proper question, therefore, in respect of the many provisions of these statutes is, how far has the Reformation* changed them? We say of many of the provisions, not of all,—because we think it plain that a distinction is to be drawn between those matters which were entirely within the founder's power to model as he pleased, and those in which he touched upon other systems over which he had no control. To put in a strong light what we mean,—Waynflete has pointed out particular seasons of the year for all the buildings required for the College to be carried on in. He has also regulated the hours of opening and shutting the gates by the alternations of certain months. Now, if by any revolution in nature these seasons were to be displaced, so that we had an Indian instead of an English year, no man, we suppose, would insist that a grammatical regard to the founder's statutes should be allowed utterly to subvert his will. And this principle (thus broadly put upon an imaginary instance) has a real application in several analogous cases. Thus the founder might adapt his college rules to those of the University as they then stood, but he could not prevent the latter from being changed, and his adaptation from thus losing its object, and becoming futile. Nor again, where there was any occasion to point out modes of proceeding connected with the laws of the land, could he so control these general laws, and the practice of the courts, as to give a continuance to his selected methods, after they had become otherwise obsolete or repealed. The same principle may be extended, though with great caution, to other matters belonging in the same way to independent and changeable systems: as, for instance, to the management of land, to the custody of money, and the like. For in these respects Waynflete was not, so to speak, building upon his own soil, where he might lay the foundation as deeply and as broadly as he pleased. He was rather mooring a vessel upon waters which, as long as they remained still, might suffer it to occupy the position which he had assigned it, but which upon the

* We say the Reformation, because the interferences of the crown, which we above mentioned, were all founded upon its ecclesiastical authority, and were conducted under the plea of changes in Church discipline. They are not therefore of any great value, as *precedents*, in the present state of the law, though in respect of changes adopted at the time, they have authority.

first change in wind or tide would either swing it round, or float it altogether away.

But these things are very different from those of the distribution of time, the mode of dress, the acquisition and use of languages, the method of study, the degree of subordination,—in short, from all those variable matters which enter into the notion of collegiate discipline. For consider a moment where any fixed, independent, general rule, is to be found for them,—any system which can challenge one quarter of the authority belonging to the will of a founder. To omit foreign countries, are the hours of rising, of going to bed, of eating, of business and relaxation, the same in London and in York, or in York and in the parsonages of Wales? Are the boys at Eton and at Harrow equally obliged to white neck-cloths, and restrained from boots; or do the spruce green coat and the fustian gaiters of a squire at quarter sessions tally with the velvet-fronted surtout and the thin Paris *bottines* of a young man about town? Again, at Mons. Clement's, all the boys were required to speak French continually. At Westminster School we believe that Hebrew is taught as part of the system. And a celebrated schoolmaster, it is said, will have his pupils write whole exercises in pure Saxon. In what knot then is this Proteus to be held, unless it be that of the founder's will, such as by competent authority it has been allowed to descend to us?

We know very well that Dr. Paley and his followers will tell us that if these things were enforced nobody would come near the colleges,—that they might be shut up for mere lack of inmates.

But upon this point we will take the liberty of speaking out. We are not of the number of those who believe that, on the whole, (respect being had to the general condition of the Church and of society,) the colleges are at present filled by a class of persons such as on account of rank or fortune ought not to be admitted to them. That there are exceptions we are not about to deny; nor yet that the construction of the statutable terms of disqualification in point of property—(we mean by restraining them to benefices and land, whereas personalty, offices, &c. are in general altogether within their spirit)—has a tendency to increase the evil. We believe, therefore, that the enforcement of the founder's regulations would not materially change the class of candidates for collegiate places; but we have before hinted that every day's experience is teaching us, that reforms had better be tried first upon persons, and not upon institutions. And so, if Dr. Paley's doctrine be applicable to the present race of college fellows, it would be to us an argument that they were not fit for the statutes, rather than that the statutes should be bent to them. No one who looks to our teeming and destitute population can doubt that the coun-

ties named by Waynflete would furnish hundreds of parents who would gladly seek for their children the founder's bounty even with double his yoke attached to it. And when we consider the gradations in the means of learning afforded by the system of parochial and grammar schools throughout the country, it is at once plain that we are ready furnished with machinery for making a cotter's son as fit for the benefits of this college as the offspring of a peer.

Whether, in respect of her clergy in general, the Church might not draw purer water from these depths,—whether she might not find in these mines a plastic earth which by her own institutions she might model for her own purposes,—whether the notions of refinement and aristocracy may not have done much to impede discipline, to spread luxury, and to hide the spiritual character of the priesthood,—are questions too vast and important to be rashly discussed; but they are also becoming daily too urgent to be put aside. We will only say, that we believe it will be found that the greatest ornaments of our Church, and of all others in the world, have for the most part owed little to the accidents of birth, and that if it is thought that gentlemanlike habits are well-nigh indispensable for the clergy (as who will deny their advantage), it must be remembered also that the Catholic Church embodies all that is most ennobling in the universe, and that it can only be where her institutions are crippled and imperfect that she can take at second-hand from the world qualities which, in their true sense, none can bestow more amply than herself. Gentlemen, therefore, the Church must have; but they must be priest-gentlemen, not samples of the squirearchy. And if the ordinary course of society will not furnish them, as indeed it never has to any great extent, she must—as Waynflete designed she should, and as she for long used to do—make them for herself.

But lest our orthodoxy should be doubted, we must say somewhat more of the Reformation. And lest (having got safe past Exeter Hall) we should be gibbeted in Westminster for not knowing the Benthamite principle of "the greatest happiness, &c." we will next add a word or two about expediency.

And first, we think it not unlikely that we may be told that although the clergy of Waynflete's day held colleges to be ecclesiastical foundations, yet the Reformation has decided that they are lay bodies, and so all our theories fall to the ground. And if our opponents be learned, they will tell us that Dr. Coveney's case settled this, as to the very college we are discussing. But to this we shall answer, that Coveney's case did no such thing, and though we admit that common lawyers, a hundred years after the Reformation, chose to settle that colleges, as a class, are lay corporations; yet we shall in the first place say, that their decision was

(upon their own principles) a wrong one, and we shall next ask, whether those who urge it against us on such points as we have been here discussing, are disposed to rescue Manchester College from the Ecclesiastical Commissioners, because Blackstone consistently classes it with the colleges in the Universities as being lay; or are willing to go a little further into the mysteries of the common law, and hold (as has been held by some of its professors) that both prebendal stalls and deaneries of cathedrals are of a temporal nature? This doctrine of the courts, although it has done much harm, is in fact merely a technical one, and leaves the internal functions of the colleges just where they were. The Reformation, it is true, by throwing into disuse the clerical tonsure, and the minor orders, did something to promote the error, since it thus restricted the notion of ecclesiastical duties to the offices of bishop, priest, and deacon. But that such institutions are in nowise adverse to the spirit of our Church, as now constituted, will appear plainly to our readers, when we tell them that we have seen the statutes of a college founded after the Reformation, which commence by speaking of "the glory of God, and building up of his Church;" which declare the objects of the foundation to be threefold, "Dei sc: cultus, fidei incrementum, et morum probitas;" which insist that the fellows shall be of poor estate, and consider heresy as an evil worth guarding against; which talk of oaths as the best safeguard amongst good men; which provide against dispensations from them; which require the whole inmates to attend prayers constantly, and recommend frequent communion; which will not suffer any man to be a candidate for a place in the society if he do not seriously design to pursue theology, and to take holy orders; and which express great fear lest independent members should secularize the institution; which insist upon residence, and will not hear of the fellows being drawn from their studies by any cure of souls. To these particulars many of minor importance might be added, and the same description might be given of other "lay corporations," founded, like this college, after the Reformation. It might be shown too (though the precise changes in Magdalen College statutes are not to be ascertained by a stranger*), that the Reformation Commissioners by no means designed to break down simplicity of manners, or infringe discipline.

A reference to Dr. Lamb's MS. documents, lately published, will show that at Cambridge (and probably the same was the case at Oxford) they were jealous of wealth and station; that they

* We have given Magdalen College that full protection against external criticism to which this circumstance entitles it; but neither its members, nor those of any other college, must think that "the Reformation" is a talisman to shelter indolence or selfishness. Where its authority is cited, the particular change relied on must be traced up to it, and shown to have been specifically made by it, or else the statutes must prevail.

specially retained the dresses appointed by the college statutes; that they by no means had the notions lately expressed by the members of Trinity College, Dublin, about the celibacy of fellows; that they contemplated the maintenance of a collegiate life, even when pestilence might require absence from the university; that they did not think common prayer a matter of indifference, or five o'clock in the morning too early for chapel; that they held the solemn commemoration of founders and benefactors to be a wholesome thing; that subordination was in their opinion indispensable; and that they accounted hardly any matter too small to be the subject of a definite rule. The same spirit, as far as we know, is to be traced in the foundations of the seventeenth century; and as for the familiar use of Latin, and frequent exercises in the way of disputation, it is well known that all the academical systems, both here and abroad, have till within comparatively late years, been conducted by the assistance of these instruments.

So much then as to Church principles; and now a word or two (before we release our readers) as to expediency. Is it not expedient that the Church, which now-a-days has but a doubtful ally in the State, should silence gainsayers and prevent an interference with her institutions, the extent and form of which she can hardly foresee? Is it not further expedient that to encourage future munificence, and to prevent occasions for disturbing the great objects to which that of former days was directed, some sacrifices of personal convenience should be made by Churchmen? And if so, can either of these expediencies be better attained than by a strict adherence to the wills of founders, even though they should in these times appear somewhat strange?

But is it not expedient, after all, that men should be made a little frugal, a little self-denying, a little obedient? Should we not be able to have a *cheaper* Church—that is, smaller stipends, less expensive superintendence—if these habits were early inculcated into the clergy? And if so, where have we such a machinery as in these statutes? And again, we suppose that it is admitted to be expedient that clergymen should understand divinity (it being their business), and how is it possible to ensure even in boys, to say nothing of men, a constant attention to study unless by some system which, like that of disputations, will bring their knowledge often to the test? And again, are not disputations probably the most expedient way of making men accurate masters of their knowledge, and able to produce it in the best form? Indeed, are not modern debating societies and clerical divinity meetings, rather an argument that we need some such method? And again, as to the use of Latin, is it not highly expedient that an English clergyman should be able to hold con

troversy or conversation with all the clergy of the Western Church in a language common to him with them; that theological questions should be discussed with that accuracy which long scholastic use has given to Latin for this purpose; that learned foreigners arriving in Oxford should not be put to speaking bad English or hearing worse French, but should acknowledge the brotherhood of letters implied in this universal tongue? It may be said, indeed, that it is inexpedient that Latin should be spoken lest it should lose its purity; but will it be contended that no good classical Latin was written from the time of Erasmus down to that of Dr. Johnson; or do we who write it only, write it better than they who spoke it too? Or even if there were some risk in this respect, would it be a very shocking thing if a body of divines were more accustomed to the language of the Western Church than of the Empire? Is not the Christian religion (be it reverently spoken) itself a mighty barbarism, which classical thought and language cannot represent or contain?

And then as to forms of business, dress, times of prayer, and the like, will any one who knows the slovenliness of literary habits, the neglect of order, the impatience of interruption, the difficulty of collecting the mind for devotion—of unbending it for society—which so often accompany the diligent inquiry, the strict argument, or the long deep musings of the scholar—will any one, we ask, who is aware of these evils, suggest remedies more apposite than those of Waynflete?

To be at every moment subject to a sudden command for some common object—to be forced every now and then into the practical business of life—to be obliged to attend to dress and to punctuality in hours—to have no choice but associate with men of equal or superior ability every day—and above all, to be brought continually under the influence of a choral service, and thus when the heart is narrowed to some trifling object, to have it roused and expanded, whether it will or not, into a sense of God's presence, of the communion of saints, and of the nothingness of all knowledge which does not point towards Heaven—are surely not expedient things alone, but, where they may be had, necessary, and in all ways most desirable. Indeed, without them it would be difficult to prevent the members of colleges who should reside no longer even than is requisite to make them competent theologians, from becoming unfit for parochial offices; but with statutable discipline rightly administered, and particularly with attention to those parts which relate to preaching (or "common-placing"), and by a judicious use (as far as it is allowed) of the opportunities for active clerical duties afforded by neighbouring or dependent parishes, (which might be to these divines as hospitals are to lecturers

and students in medicine), we doubt not but that we have here an "officina cleri" such as no Church in the world can surpass.*

There are yet many, very many things, which we would fain say upon this most interesting subject. We would gladly converse with our readers about those circumstances in our times and country, which have made deep learning to be almost forgotten, and the profession of "a poor scholar" to be looked on as a fanciful idleness. We should also wish to consider how far, in the true desire for knowledge, and appreciation of its limits and uses, we excel the times of Waynflete, and to trace the decay of that spirit which animated Chaucer's "clerk of Oxenforde," and was still in force when Hall, of Norwich, wrote that well-known description of his own habits of reading. We would fain speak too, of great works in theology yet undone, and ask why Magdalen might not imitate St. Maur. We should also gladly dwell upon the feeling which prompted Ridley, when near death, to remember so fondly "mine own dear college," and to hope, that of the studies there pursued he should "carry the sweet smell with him into heaven;" or which dictated Horne's exquisite description of his own musings on the Psalms. Bishop Andrewes too we should note, who thought that the colleges of which he was visitor were so much his charge as to have a place amongst his heads of prayer. But these things, and many others, we must omit, for our readers doubtless think that we have been already more than tedious, and must wish that these hasty and ill-arranged remarks were at an end.

Before we release them, however, we must ask whether some at least of our suggestions may not have helped to solve the questions with which we started? Whether the practicability of such statutes in these days does not become more clear when viewed under the light here thrown on them? And whether in the Church's warfare of which we have spoken, it is not evident that while she has her armies militant in the open field (for such may her parochial clergy be considered), or gathered, like garrisons, into her cathedrals, these† colleges are the foundries of her artillery, and the training-ground of her young troops? Must they not then be heedless captains, or weak or treacherous soldiers who shall neglect or abandon such resources?

Let us not, however, be misunderstood. We have repeated

* Let the Bishops of Chichester and of Bath and Wells, under whose auspices two theological colleges have sprung up, be asked what use they could make of Magdalen College, if it were annexed to either of their cathedrals. We need not say, inquire what Dr. Wiseman would do with it.

† We purposely confine ourselves in this article to what may be called "Divinity Colleges," though these in fact constitute the great bulk of the foundations in both Universities. We also omit all consideration of the legal and medical studies allowed in Magdalen and other colleges, as requiring too minute an inquiry for this place.

"ad nauseam," that neither we nor Mr. Ward can judge the Society of Magdalen College upon our present information. We are anxious to add, that even if their duties should run parallel with our remarks, we should not press them hastily to act upon them. Many of our observations relate to matters of personal habit, which in advancing life are not easily changed, and all, for aught we know, may be affected by that spurious authority which the practice of several careless generations may have given them. In such a case to require of the existing members of a body that they should by one effort redress all the faults of their predecessors, would be both unwise and unjust. Unwise, because such violent and rapid changes, even from evil to good, are dangerous; unjust, because the previous state of things was that which men contemplated when they entered the Society, and which arose out of no misconduct of their own. To adjust the different duties of different members of an institution thus circumstanced, belongs to a somewhat obsolete casuistry, but its main outlines will probably be attained by all, who, making duty their constant and chief end, shall endeavour that moderation and charity shall be their guides.

That great changes for the better have of late years taken place in the tone of the colleges, every one who knows any thing of the matter must admit, and if due care be taken in the election of fresh members, indigence being considered as well as talent, a docile Christian temper as well as scholastic attainments, we may yet see them filled with both "young towarde scholars and old fatherlye doctors," and each (as far as its constitution requires) representing that state for which the framers of one body of statutes wish when they say, "Collegium idcirco Persicum illud malum optamus imitare, quod omni anni tempore germinat, fructificat, et simul, cum alios maturos fructus edit, tum eodem tempore alios germinantes et novos succrescentes gerit: sic quosdam ministerio ecclesiæ obeundo idoneos et jam maturos, alios vero maturescentes et germinantes habeat."

There would then proceed forth from them a succession of hardy soldiers of the cross, knowing the truth and able to defend it; content with few comforts, and accustomed to union and obedience. While in each generation there would be some who, enamoured with deep thought, and conversant with the wisdom of all ages, would thank their founders for having provided them, amongst his other benefits, with quiet graves; and would go calmly on in study and in prayer, until they should pass to heaven so gently and so gradually that death would seem to be no palpable change, but only as one of those many shades which mark the transition of night into day, or as a line of that indis-

tinct horizon in which the eye cannot discern where the earth ends, or where the sky begins.

From these men, thus abstracted from the commerce of life, the Church would, from time to time, receive new treasures of learning, and new lessons how to live above the world. And even if any of them should be called away, and leave no visible fruits, think not, ye seekers after a sign, ye trusters only in sight, think not that they will therefore have been of the idlers of the earth; for what know ye of their influence upon those around them—how much of holy zeal, how much of charitable patience, how much of well-directed study may have arisen from the precept and example of these nameless men? And still more, how dare ye to scan the mystery of their faith in God? What know ye of sins repented, of a passionate will subdued, of victories won for the Church by prayer, of evils averted from a forgetful or rebellious nation? What did Simeon but "wait?" What did Anna but "fast and pray?" And therefore when ye charge them that they have "laboured in vain, and spent their strength for nought and in vain," they shall, by such instances, oppose you, and shall reply, with confidence, "surely my judgment is with the Lord, and my work with my God."

Art. VI.—*Remains of the late Reverend Richard Hurrell Froude, M.A., Fellow of Oriel College, Oxford.* Part the Second. 2 vols. Derby: Mozley and Sons. London: Rivingtons. 1839. First Volume.

Mr. Froude's editors have now taken another step in what they consider their sacred duty to their friend, who "is not dead, but sleepeth," and to the Church, by presenting the Catholic reader with the second instalment of his Remains. The contents of the present collection are, like those of the first, very miscellaneous, and rather fragments and sketches than complete compositions. This, of course, might be expected in the works of a man whose days were few, and interrupted by illness, if indeed that may be called an interruption which, at least all the period in which the pages before us were written, was every day sensibly drawing him to his grave.

In Mr. Froude's case, however, we cannot set down much o this incompleteness to the score of illness. The strength of hi religious impressions, the boldness and clearness of his views, hi long habits of self-denial, and his unconquerable energy of mind triumphed over weakness and decay, till men with all their healt

and strength about them might gaze upon his attenuated form, struck with a certain awe of wonderment at the brightness of his wit, the intenseness of his mental vision, and the iron strength of his argument. It will perhaps be giving a truer account of the state in which these papers appear, to say something of the sort of intention with which we conceive they were written. We think we are not far wrong when we say they were written, in a peculiar sense, "as unto God, and not unto men." If it is permitted so to apply the words, they were the outpourings of a soul consumed with zeal for the house of God. The author had that in him which he could not suppress, which of itself struggled for utterance; he also was conscious that the night was fast approaching, "in which no man can work." Yet the good work which he believed had been prepared for him to do was somewhat in advance of his own day; and he felt no temptation to square and round and soften and disguise the awful themes that glowed within him, till they should be perfectly within the taste and compass of the men and times he lived to see. We must throw ourselves back, if we can, five or six years of change, fully to understand this feeling. With no anxiety, then, for present effects, and no embarrassing reference to any particular set of readers, he let his spirit take its own free course. He only desired to spare no labour of thought that was necessary for a thorough elucidation of his views, to detect the lurking fallacy both in his own and in others' minds, and set the whole matter in the clearness of noonday. He wrote as he thought and felt.

A great part, then, of what is before us was not prepared for publication. In some instances we have corrected copies; in others, the first copy; in others, mere heads of argument; in others, the first rough draft, drawn through with the pen, as if set aside by the author. There are occasionally passages which one could have liked to see re-written, and the author's meaning more fully developed and more carefully guarded from misapprehension; but yet these very roughnesses have their charm. A fragment is the very emblem of preciousness.

The first volume contains an Essay on Rationalism, as shown in the Interpretation of Scripture, written, as it would appear, at Barbadoes, in 1834, and containing the following heads:—the Universality of Rationalism; the Proper Office of Reason; the Unreasonableness of Rationalism; the Influence of Prejudice (in the interpretation of Scripture); Reverence not Dangerous (in the interpretation of Scripture); and, discussed at greater length than any other subject, the Church System under the Apostles, as exhibited in Scripture; closing with a collection of texts, carefully arranged, illustrative of the views contained in the essay.

"The Remarks on State Interference in Matters Spiritual," written in 1833, before the subject received that full measure of actual illustration which we have lived to see and lament in vain, is drawn up from many MSS., part of which have already appeared in the *British Magazine*. Some remarks on Church discipline written in 1834, on the grounds of orthodox belief, which have already appeared in this *Review*, and various smaller fragments, complete this volume.

The second volume is a "History of the Contest between Thomas à Becket and Henry II.;" containing, amongst other topics now more than ever interesting, a complete exposure of the absurd calumnies which modern Erastianism and infidelity have amicably combined to heap upon that martyr's memory. This subject, on account of its distinctness and immense importance, we propose to leave to some future occasion.

The Preface to these volumes, the graceful and affectionate style of which the reader will not fail to recognize, puts in a very clear light the characteristics of our author's mind and manner, and, if we may so express it, his providential position with respect to the present crisis of our Church. The editor also addresses a few remarks (would that they may be as kindly received as they are given!) to those who have either felt angry or distressed at the boldness of the author's views or the irony and other peculiarities of his manner. As far as the various objections made in different quarters to the first part of the Remains were grounded in disagreement from the author's views (and no one, within our knowledge, has made any objection either to anything in the author, or in the editor's share in the publication, unless he also did not fully enter into the author's views), so far such objections can only be removed by actual conversion to the views in question.

But we will venture a remark or two with regard to that ironical turn which certainly does appear in various shapes in the first part of these Remains. Unpleasant as irony may sometimes be, there need not go with it, and in this instance there did not go with it, the smallest real asperity of temper. Who that remembers the inexpressible sweetness of his smile, or the deep and melancholy pity with which he would speak of those whom he felt to be the victims of modern delusion, would not be forward to contradict such a suspicion? Such expressions, we will venture to say, and not harshness, or anger, or gloom, animate the features of that countenance, which will never cease to haunt the memory of those who knew him. His irony arose from that peculiar mode in which he viewed all earthly things, himself and all that was dear to him not excepted. It was his poetry.

Irony is, indeed, the natural way in which men of high views and keen intellect view the world: they cannot find middle terms of controversy with men of ordinary views; they feel a gulf between them and the world; they cannot descend to the level of lower views, or raise others from that level to their own. As, therefore, there is no common ground which they can *seriously* and *really* assume with inferior and worldly minds, they fall into a way of *pretending* to assume common notions, and reasoning on them with unreal seriousness, in order to expose them. They cannot suppress a smile at the false assumptions and pretensions and hopes of this perishing world. The same temper leads them to assume, for the purpose of mirth, or argument, or self-discipline (which you please), the very worst that the world can possibly think of themselves, their own views and designs. Irony, in fact, seems only an ethical expression of the logical *reductio ad absurdum*, as applied to matters of taste, morality, and religion. Great examples have shown it to be compatible with real humility and wide benevolence; though, like many other peculiarities of style, such as depth of reflection, subtlety of reasoning, great affectionateness, poetry, and humour, it may only be understood by those who have something corresponding in themselves.

Perhaps we cannot better display the character of the volume before us than in the following extract from the Preface:—

"Other instances might be mentioned, in which his judgment, both of persons and things, has been remarkably verified, even in so short a time; but these may be sufficient to explain in some measure why his editors should have been more than usually scrupulous in suppressing any of his deliberate opinions or forebodings, however lightly he might have chosen to express them. Long experience had taught them how much meaning and truth lay hid even in his most casual observations on such subjects; and how probable it was that those who were at first startled by them, would on mature consideration find them reasonable and right. And whereas it has been truly observed, both in friendly and unfriendly quarters, that the development of old principles which now seems to be advancing, is not such as to be accounted for by the efforts of any particular individuals;—it is something in the air, something going on in all places at once, and in spite of all precautions;—it seemed a circumstance worth remarking, that it should have been thus anticipated and rehearsed in a single mind; a mind of itself inclined to rationalism, but checked first in that process, and finally won from it, by resolute and implicit submission to the lessons and rules of the Church in England, and rewarded (if we may humbly judge) for such submission, by a more than ordinary insight into the true claims of the Universal Church, and the means of improving to the utmost our high privilege of being yet in her communion.

"One who knew and appreciated him well, (whatever subordinate differences might exist between them,) and whose honoured name it is

now more than ever a satisfaction to join with his—the late lamented Mr. Rose—used to say of him, that he was 'not afraid of inferences,' meaning, as it would seem, that he was gifted with a remarkable fearlessness in regard of conclusions, when once his premisses were thoroughly made good. To see his way rapidly and acutely, was common to him with many; but to venture along it with uncompromising faith, was in a degree peculiar to himself. Perhaps it was this quality, humanly speaking, which kept him always somewhat in advance of his time, and of those with whom he most cordially acted. However, since it was in him consistent, bearing fruit in action as well as in speculation, and causing him to deny himself as unsparingly as he contradicted popular opinions; it does seem to give all views of his a peculiar claim to consideration, on the part of those who agree with him in first principles. There will always be a fair presumption, previous to inquiry, that his conclusions are the legitimate result of propositions which we admit in common with him, but which we have not as yet the courage to follow up as he did; not to dwell on the moral nobleness of such fearless and devout adherence to the truth. It is the very description of faith, 'to obey and go out, not knowing whither it goes;" and a character, of which that is the principal mark, is surely not ill fitted to exemplify what the whole Church may soon be called on to practise. So far in his papers and life we seem to have as it were embodied, a type of the kind of resistance due to the spirit of this age on the part of the Catholic Church, and of all her dutiful children. Could it be right, merely through dread of censure incurred, or disturbance given, to suppress such a document, providentially coming into our hands?

"Now when the great principle of Catholicism, Quod semper, quod ubique, quod ab omnibus, had once rooted itself in the mind of a person thus determined not to flinch from results; when he had once come to be convinced that the only safe way for the Church is, to go back to the times of universal consent, so far as that is possible, inasmuch as such universal consent is no doubtful indication of His will, in whom we are all one body; would he not naturally go on and say to himself, "If I lay down this rule on one question, I shall not be dealing fairly with myself, honestly with my opponents, reverently with Him to whom I am virtually appealing, except I carry the same mode of reasoning into all other questions also, wherein it is applicable! Accepting the Church's interpretation of Scripture as to the necessity of real outward baptism, I must accept it also as to the connection of the gift of regeneration exclusively with baptism; accepting her view of the sacrament of the Holy Eucharist, I must not decline her doctrine of the accompanying sacrifice, gathered from the same liturgies and the same interpretation of Holy Scripture: believing her concerning the genuineness of the Bible, I must believe her also concerning a transmitted priesthood: taking it on trust from her creeds, that such and such is the only true account of the doctrines of the Bible, I may not doubt her consistent and perpetual witness, that such and such are the right rules for interpreting the same holy book; I believe, because she

assures me, that bishops only have the right to ordain; must I not believe her equally positive assurance, that excommunication is also theirs by exclusive and indefeasible right, and that it is no true eucharist which is not consecrated by hands which they have authorized? These are instances of the manner in which the author of these papers reasoned; and certainly at first sight there seems to be much force in his mode of reasoning; the onus probandi seems cast on those who demur to it: it seems, if it were not for its practical consequences, more satisfactory than the summary ways of dealing with such matters, which we find not seldom adopted; fairer and more ingenious than the saying, 'Times are altered; it might be all right then, but it does not follow that it is so now;' more reverential than the other saying, 'The fathers were good sort of men, but no number of fallible beings can make an infallible Church;' more in harmony with Scripture and with God's general providence, than to dismiss such portions of the ancient system as we think proper with the aphorism, 'It may be and has been abused, and therefore is best let alone.' And having all these advantages, it seemed to him part of faith to suppose that in the end it would prove also the best and most effective way of maintaining the truth of God, against superstition and idolatry, as well as against scepticism and profane exaltation of reason.

"But further, such a mind as is here supposed, thoroughly uncompromising in its Catholicity, would feel deeply, that as ancient consent binds the person admitting it alike to all doctrines, interpretations, and usages, for which it can be truly alleged; so there is something less tangible and definite, though not less real than any of these, which no less demands his dutiful veneration, and to which he is bound to conform himself in practice; that is to say, the cast of thought, and tone of character of the Primitive Church, its way of judging, behaving, expressing itself, on practical matters, great and small as they occur. For what in fact is this character, but what an Apostle once called it—'the mind of Jesus Christ' himself, by the secret inspiration of His Spirit communicated to His whole mystical body, informing, guiding, moving it, as He will? A sacred and awful truth; of which whoever is seriously aware, will surely be very backward to question or discuss the propriety of any sentiment, allowed to be general in Christian antiquity, how remote soever from present views and usages; much more, to treat it with any thing like contempt or bitterness."—*Froude's Remains, Preface,* pp. ix—xiii.

And now, when the time is come for us to pass from the author to his work, we fear we shall disappoint the reader by announcing our intention of supplying him with little more insight into the contents of the volume on which we are at present engaged, than the above enumeration of its subjects will furnish. As far as it is employed upon the question of Church and State, such portions of it may be more fitly connected with the Second volume; and its more prominent subject is one which can scarcely be suitably treated in a publication like ours. We

shrink from discussing in pages, where entertainment and information have a legitimate place amid graver subjects of thought, the inward and secret privileges of the Christian Church, and especially its special and ineffable gift, from which all its other glories flow, and into which they are absorbed. And this subject, oversacred in itself, is rendered still more so, if that be possible, by the awful manner in which it is treated by the author, which positively cows us, and which is more like that of a spirit speaking to us in a vision, than the tone of a theological treatise. All we can summon heart to do, is to take the elementary *principles* of the Essay to which we allude, and to illustrate them in our own way, with just so much of quotation from it as may be introduced without effort into the tone of our remarks. The work itself we leave for those who have in mind, not to take it up and lay it down, to skim it, to dip into it, or to carp at it, but who come to it with religious hearts, and study it with fasting and mortification.

This Essay then, as we have already said, treats of the rationalism of the day as shown in the interpretation of Scripture, and the drift of it will appear in the latter portion of the following extract, which is not far from its commencement.

"It is much to be wished, that such persons, before they condemn opinions opposed to their own as visionary and fantastical, would recollect the light in which their own opinions are in turn regarded by others, who outstrip them in the race of Rationalism. Let them but reflect on the whimsical and fantastic appearance assumed by any kind of religious strictness on the distorted retina of habitual laxity: the odd, unintelligible spectacle which their own characters exhibit to the cleverheaded, calculating man of the world, or the careless wit, to whom sight is every thing and Faith nothing; and they would perceive how dangerous it is for themselves to rely on their own mental vision, where it leads them away from the plain letter of Scripture.

"These and similar considerations ought, one would think, to weigh with serious Protestants, and induce them to suspect, at least, that a rationalist spirit may in some respect have unconsciously influenced them; that they may perhaps have formed some of their opinions too much on experience and too little on Scripture, and thus have attained at last only to a partial knowledge of the Truth in Christ Jesus. In the earnest hope that some few at least may happily be prevailed on to regard this as possible, and so to lay aside that jealous controversial spirit which ever arms itself [against the reception of truth,] the following brief compilation has been arranged. Its object is to prove that certain views of religion, now generally discarded among Protestants, are, to say the least, *more probable than not;* and that, all things considered, it is our *safest course* to act on them. The views themselves, as will be seen at once, are of no trivial importance; nor is it practically a light question, whether we shall act on them or not. Again, there is nothing of novelty

about them, though to most persons at the present day they may appear new. At one time they were generally adopted by all the learned of the Church of England, and from that time to this there have never been wanting able and pious persons to uphold them; though of late, for circumstances, they have attracted little attention."—vol. i. pp. 15—17.

It will be observed that the author's object was to recommend from the text of Scripture itself, those views which the Catholic Church has ever held, especially in ancient times. He does not start with assuming any authority for these views, or for the early Church, which is so intimately connected with them; rather he attempts to lessen our confidence in our own received notions, by comparing them with certain portions of Scripture, and showing their inconsistency with these. And thus he would lead us to correct our general method of interpretation and to advance forward into a frame of mind and tone of thought more akin to that which reigns throughout the teaching and expositions of the Fathers. But before this actual inquiry into Scripture, one would have thought that even antecedent considerations might have taught the present age that, whatever its distinguishing excellences may be, that of eliciting the drift and meaning of documents of a far distant time and country, and those of so peculiar a character as go to make up the sacred volume, need not be one of them. It surely would not argue an excessive and unbecoming degree of diffidence and caution to suspect that a generation which has, and is conscious that it has, so many direct facilities towards religious truth as compared with all preceding eras, should also have some counterbalancing difficulties. Such a compensation would be no new thing in the arrangements of Providence. Nor again would it be a new fact in the history of the human mind, if it appeared possible that these facilities which this age possesses in an eminent degree, should positively stand in the way of others, in which it may therefore apprehend itself to be deficient. Our boasted progress in mechanic arts, and physical sciences, in historical research and critical discussion, and in all the branches of secular philosophy and civilization, has, it is true, given this age a wonderful subtlety, ingenuity, and exactness; a capacity for learning many things, following abstruse calculations, drawing nice distinctions, and entertaining many great ideas. Yet while these gifts may be greatly and most usefully available towards our religious necessities, there are others, which may be more absolutely needful, which a simpler, a primitive, and perhaps a more "foolish" age may have enjoyed, and of which we may be, to our great loss, comparatively destitute. There are confessedly habits of mind which the present state of things in the world is not apt to develope. Such

are—a strong realization of the present Deity; a continual expectation of His interference, and a disposition to look out for it and welcome it in whatever shape He may please to vouchsafe it, natural or spiritual, things or persons, ordinary or miraculous; a reverence for all His traces and footsteps; a jealous husbanding of *all* that He has done for us; a conviction of the deceitful and transient character of all earthly things, and specially of the absolute folly of all human reasonings and conclusions; a dread of measuring God by man, His thoughts by our thoughts, and His ways by our ways; a disposition to receive mysteries, or rather a certainty that all our glimpses into the spiritual world must be weak and mysterious; a consequent readiness to admit other *modes* of being, operation, presence, extension, continuance, production, growth, union, and incorporation, besides those we are permitted to discern in the visible creation; a belief that not even is that creation complete in itself or acted on by no intermediate agents except its own material elements, and that all which our senses can embrace is but the near and disjointed foreground of an infinite harmonious whole;—these all are ways of thought and feeling far simpler and more native than might seem from the length of words we are forced to use in describing them,—far more strongly formed in some minds than in others, and, possibly, even in their rudest and most unintellectual shape, far greater advantages towards the attainment of religious truth, than the more showy mental qualifications of the present age. Nay, if we have ever so mean an opinion of the religious capabilities of an unintellectual age, should not that very opinion remind us of the fact that there are peculiar national, or, for a time, universal blights on the religious part of our nature; and should it not suggest the inquiry, whether ourselves be in that evil case: or at least whether, seeing that rudeness and slowness of intellect certainly has its dangers, a high degree of mental cultivation may not also have some equivalent drawbacks and temptations.

Mr. Froude thus expostulates with the now prevailing preference of Sight or Experience to Faith in our religious reasonings:

"In one sense Sight and Faith may be said to be opposed, whenever we are called on to believe any thing not discoverable without a revelation and unlike the ordinary course of things, because we feel within us a strong propensity to assume that the ordinary course of things is the only course of things, that the system of nature is permanent and uniform, or in other words 'that all things continue as they were from the beginning of the creation.' Yet this assumption is so purely an assumption, that serious persons generally feel it to be untenable even against a low degree of positive evidence: thus it is seldom, that a person with any show of religion disbelieves any miraculous parts of the Scripture history, only on the ground that it is different from what we now expe-

rience. A miracle recorded simply as an historical fact, and affecting only persons who lived in distant ages, appears credible to many persons, who nevertheless feel differently with respect to miracles spoken of as abiding continually, and affecting ourselves in our relation to God and the future world: I mean 'the invisible Dispensation of Providence, carrying on by God the Son and God the Holy Spirit, for the recovery and salvation of mankind, who are represented in Scripture to be in a state of ruin.' Again, it must be observed with respect to this Dispensation itself, that some understand it to be only so far miraculous, as it relates to the nature of God, and to the invisible world; while others believe that the very world on which we live, and the order of things in which we are engaged, is at this day the scene of invisible miracles, which take place within us and around us, through the operation of powers transmitted to our time in an appointed manner, from our Lord, through His Apostles and their successors. Persons who feel no difficulty in admitting the doctrine of the Ever Blessed Trinity, the Atonement made for the sins of the whole world by Jesus Christ, and the agency of the Holy Spirit in effecting our sanctification, on the authority of revelation alone, shrink nevertheless very frequently from admitting either that this Atonement can be rendered available to us, or this Sanctification imparted, except in ways which may be perceived to improve faith and holiness. What relates to God, they can believe and feel to be beyond their comprehension; but what relates to themselves, and falls apparently under the full cognisance of Experience, they cannot understand except in such a way as is verified by Experience.

"Thus, without entering at present on the question, whether such or such particular opinions about the unseen order of things are borne out by sufficient positive evidence, it seems that Experience, or, to use the Scripture phrase, Sight, opposes greater difficulties to the reception of some than others; and the greatest of all to those that bear upon our present condition, and the means by which the graces, promised in revealed religion, are conveyed to us.

"Now the importance of observing these various shades of opposition, between Sight and Faith, arises from the circumstances, [already noticed] that, wherever this opposition exists in any degree, we are likely to be in some degree prejudiced judges of the evidence on the side of Faith, and of the objection raised by Sight; we are likely to underrate the one and overrate the other, to neglect the one and dwell on the other; in short, to deny our reason fair play in deciding the balance: and the greater the opposition is in any case, the greater is likely to be our prejudice; to such a degree that, unless we take particular care to guard against it, we shall be apt to take many important questions entirely for granted, without giving a moment's attention to what can be said upon them. That the generality of careless people are in the habit of judging in this way on almost all religious questions, is but too evident: but persons who know that they are not careless are not on this account to feel secure of themselves. Whether they are conscious of it or not, they are all under a strong temptation, which probably has influenced them the more, the less they have observed it: and this temptation assumes a great

variety of shapes according to the different turns of mind it acts upon. It urges some people to levity and profaneness; but it is not only those who jest at what they disbelieve, that disbelieve under its influence. It often appears under a grave and stately guise, putting forward the honour of God and the purity of religion as the ends to be attained by following it; and not unfrequently appeals to strong religious feelings, making them its instruments of seduction."—vol. i. p. 33—35.

Now it will be readily admitted, that the above mentioned habits of mind, which, whether we have correctly particularized them or not, may be safely described as being on the whole the contrary to the prevailing genius of our times, were peculiarly characteristic of the primitive Church. This was her wisdom, or her folly, which you please. How it came to pass, it would take time and pains exactly and fully to say. There were many conspiring causes, and some obvious providential ends. Much might be said of the Jewish character, of that at least designed to be stamped on the people by their two thousand years of training. Still more might be alleged in respect of the peculiar sensation, which the presence of Divinity, and of miraculous agencies, could not but leave in the mind of the first Christians, whether for good or for evil, and which could not soon subside. A man, who had seen a vision, would not soon recover his proper reasoning powers; his thoughts for a time being somewhat spiritualized. The wonders of science, it is boasted, produce their mental stimulus and illumination; it is not likely the wonders of Incarnate Godhead would leave in the mind no thrill of amazement, no peculiar tension and expansion of the faculties. Nor would this effect, once imparted, soon wear away, though mixed in course of years with the spirit of other places and times. It has also been even said that the very soil and air of Palestine make men superstitious and fanatical. However these things may be,—(and perhaps in the discovery of causes imagination has more scope than reason,)—it is at least not improbable that, as those were undoubtedly the fittest of all persons and the fittest of all means which Almighty Wisdom chose for the foundation of His Church, though ever so contrary to His ordinary laws and human expectations; so the spirit and temper of the primitive Church, whencesoever derived, may have been the very best for the purpose,—the best intellectual medium and moral colour for the earthly portraiture of Divine Realities. Strange and visionary as it may appear to us, it may yet be an integral part of the Christian scheme: and perhaps we are as little justified in measuring it by our light, in explaining it away into a fanaticism or transient hallucination of the Church, as we should be in referring the miracles themselves to natural causes, or making the Incarnation

a dream. The Apostles and Evangelists had extraordinary gifts for their offices; so may the primitive Church have had extraordinary gifts for its work, a work not for herself alone, but for us also, if we choose to avail ourselves of it. The Gospel was preached in a suitable and characteristic manner; so likewise also may the manner in which the Church was nursed and trained in her infancy have been providentially fitting and peculiar.

It would follow that we are not at liberty to attempt too far a separation of essential truth from the primitive form in which it has come down to us. It is admitted, on all sides, that it has come down to us in a certain form or system of faith and practice; that that form was in the main developed and matured in a certain era of the Church, *i. e.* that immediately following the Apostolic age; that this development had very much the character of a singular and complete work, having a beginning, a middle and an end,—as much of this character perhaps as the ministry and work of the Apostolic college; and that the primitive age or period of this development was under some extraordinary conditions, such as proximity to the Apostles' age, freshness of their teaching, remaining traces of miraculous powers, and purity from secular incorporations, all of them conditions which, once ceasing, can never be supplied. Here then we seem to have all the requisites of a distinct Divine dispensation, in the same sense as the regal or the prophetical dispensations had a distinct character. We have also the work of that dispensation still surviving, viz. the Catholic form of doctrine and practice; a work tallying as much with our religious necessities, as it most assuredly does with the forecasts and intimations of it in the written Word; and a work, with at least thus much of external evidence in its favour, that if it be no work at all in the eyes of God, and wholly unauthorized and unauthorizing, then the greatest opportunity, the fairest occasion, which the world has yet seen since the days of St. Peter and St. Paul, has been thrown away and gone for ever by.

Not now to speak of that mysterious union in the body of Christ, which we may in this life believe, but cannot see, the wit of man could not devise a better way to accomplish His prayer for even a visible unity, than the visible order and society, and the visible means of grace, which His Apostles at His command have offered and enjoined to man. The world is ever changing; for generations alter fast, and nations disagree. The mountain or the stream, which severs different tribes and tongues, does also set apart to divers spirits and tempers of mind their separate and incommunicable reigns. The greatest powers and largest monarchies of the world have striven with all their might and

means to obliterate these differences, to reconcile and unite mankind. With a rod of iron they have changed and levelled to an outward sameness all human institutions, names, and times, and seasons, the forms of private life, and national celebrities. As if the virtue was in the soil, they have violently transplanted people from the associations, and as they supposed, from the gods of their native country; they have endeavoured to amalgamate the most hostile, the most dissimilar, or the most distant nations. All would not do. The curse of Babel still prevailed over the language, and still more over the minds, but most of all over the religious faith and feelings of men. Yet it was the purpose of the Almighty to join in one and unto Himself all his faithful servants, without respect of persons or families, from every nation of the world. How was this to be done? Was the diffusion of a sacred literature, a record of the facts of man's redemption, a multiplication of inspired volumes, likely to effect this at least one of the Divine purposes, a reunion of his people? Was the common participation in a dead letter likely to counteract the mighty living and growing influences ever tending as well to mutual disunion and disagreement, as to alienation from God? Humanly speaking, it was not likely and is not likely. If it had indeed been all the means used for our restoration to the family of God and our new life in Him, it was our best interest to make all the use of it we could, and use no other means than it, because no other means were given. But other means have been vouchsafed to us, apparently designed and adequate to fill up the deficiencies of a written Word, and to do what it could not do. That means is the visible Church, with its divinely-ordained channels of grace, and Apostolic institutions;—the Church, which he who rejects, rejects therein the gracious gift of God. Nor does there seem much difference between the folly of choosing as the means of our salvation, only one or two out of all the divers gifts and conditions God has given us for that end, and the impiety of wishing to be saved by a method wholly one's own.

But there is a higher sort of even visible unity than oneness of society, rulers and laws, and which, we are persuaded, is still less likely, humanly speaking, to be produced by the mere diffusion of the written word with no Church or rule of interpretation. We have, by the way, some sort of warrant for pronouncing the sole use of any particular means probably inadequate to any particular purpose, when in fact it is not the sole means vouchsafed us for that purpose. The very circumstance that other means have been granted us, is an *à priori* argument that the one in question is not, to us at least, sufficient. Nor is it more presumptuous to say that the Bible was not likely to answer its pur-

poses without the Church, than that the Church was not likely to answer its purposes without the Bible. But to return to our subject: much has been said lately of a spiritual unity as opposed to external; of oneness of Christian character, as distinguished from oneness of creed or ordinance. Now the written word, whether it is translated into the language of a people or not, if it is understood by them at all, is translated into their modes of thought and feeling, however uncongenial. It is naturalized and loses something of itself in the process. We know not how much of itself which is valuable and necessary it may lose. We do see, that in fact a common possession and a common knowledge of the Bible does not produce a common result in the faith and temper. The more it is disseminated out of the Church, the more divers and discordant are the spiritual fruits. Though, of course, we admit that *in* the Church, schism, however excusable or forced, on whichever side the blame may rest, leads, though in a far less degree, to a like diversity. Living habits and living feelings require some living contagion to convert and harmonize them. Unity of mind is produced only by living social institutions. If the world, if its political schools, if vicious principles, if Satan, employed only manuscripts and books, then might the warfare against the Scriptures be equal. But books are not, in this world, the whole order, law, and means of moral communication. Some actual, some vital inoculation is wanted to counteract this world's moral infections and epidemics. This world has its unities, its forces of customs, its appeals to antiquity and universality, its grandeur of system, its deep-felt moral sympathies triumphing over its geographical separations: then we say that a Church, some Church, if not *the* Church, some society, moulding and ruling, in spiritual matters, the hearts, minds and bodies of men, was necessary; necessary to meet the vast array of moral influences against Apostolic Truth, and to give it unity and perpetuity.

Let men endeavour ever so much to go out of themselves, and forget all that they know and feel, preparatory to the study of the Bible, and to treat it wholly irrespectively of present things, still they cannot escape inveterate prejudice. All that meets our senses, we try by what we think and know. If we pick a thing on a heath, or excavate it from the bottom of a coal-pit, we still try it by what we know. We compare new things with our old notions; and perhaps while we are making out the true character of the one, we may also correct the errors of the other. Even the man of science, entering on the mysteries of a new and unexplored department of knowledge, tells us we must have theories as pegs to hang our facts upon. But especially in religion, the

oldest, nearest and dearest of all human questions, will every one according as he is awakened to its importance, labour to acquire some stable, definite, consistent view. He cannot but refer each new text or other fact to the system that comes with it, or with which he is already occupied. Since then he must have a system, and his very nature is so constituted as to crave it, Almighty wisdom has provided the Church. That she should indeed embody in human form the "mind of Christ," can be no strange doctrine to him who has duly thought upon His gracious promise to be always present with her. Nor will he see in her manifold wanderings and shortcomings any greater stumbling-blocks to her Divine authority, than those which have befallen the most unquestioned dispensations of God, from the sins of those whom He therein employed. There cannot be greater difficulties in reconciling the Church and the Bible, than there assuredly were in believing that the throne of David and his line had the full and exclusive sanction of Him who had given the law from Mount Sinai.

But in fact, who does come to Scripture without prepossession? Has any one ever yet derived from Scripture, without human aids, the whole body of doctrines and practices which the Church of England holds necessary to salvation? Has any one yet made out for himself the whole Calvinistic system without having been first indoctrinated by some modern teacher or teaching? Has any one yet collected and systematized out of the Sacred Books, a scheme or method of salvation which he afterwards found by a marvellous coincidence, and by a coincidence only, to be exactly that which the Wesleyan Connection, or the particular Baptist Connection, or any peculiar school in the Church, had been ever so long teaching and preaching everywhere for the Gospel? No such thing has yet happened. In order to attempt it, the philosopher would have to insulate the unhappy subject of his cruel experiment from all religious communications, as Psammeticus is said to have done with the child in his extraordinary plan for ascertaining the earliest and most natural language. We need not say that such an attempt would be as impossible as impious. But who has ever tried it, or wished to try it? All men in proportion to the peculiarity of their views, and the more they are conscious of going against prejudice and custom, so are they ten-fold more anxious than others to impregnate, prepossess occupy, and mould, the minds which nature or circumstances have placed under their influence. None are such thorough-going traditionists in practice as they who are non-traditionists in theory and there is not a more forced, unnatural, human and unscriptural tradition than that same dogma of non-tradition.

Doubtless we may not be required to believe as necessary to salvation, that which may not be *proved* by Scripture. It is also true that we ought to believe everything which may be proved thereby: and this will at once force us in self-defence to put some definite meaning on the word "to prove." For, not much to the credit of their religious feelings, men cannot but be conscious of admitting with less reflection and less exactness a maxim which limits their creed, than one which threatens them with an indefinite extension of it. When people use this word "to prove," without reflection and a special aim to exactness, they commonly lean to the mathematical or physical sense of it;—they have in their eye an argument of undeniable premises, and irrisistible conclusions; or rather they are idly dreaming of a kind of universal calculus, abstract from any particular subject matter, and as clear of the moral parts of our nature as the bodily senses, which can easily and certainly comprehend, decide and reason upon, all spiritual verities. This may seem a tedious way of expressing a very brief idea, yet we submit to those who have ever ventured to doubt the accuracy of their own modes of reasoning, and the infallibility of their objections to theological statements, whether this call for proof be not to a great extent founded on some such notion as we have described, a notion as irreligious as it is unphilosophical.

"To hear some persons talk," says Mr. Froude, "one would suppose that a propensity to overrate the sacredness of sacred things is among the besetting frailties of the human heart, a temptation against which we ought to be as watchfully jealous as against the lust of the flesh, or the lust of the eyes, or the pride of life. Nay, so sensitively alive are many to their danger on this quarter, that on no occasion do they feel called on to sift evidence so minutely, or to demand such unequivocal and demonstrative proof, as in order to satisfy themselves that they can with a safe conscience acknowledge a debt of veneration.

"Of the many subjects on which this scrupulousness has exercised itself, none, perhaps, have attracted a larger share of it than the Apostolical Ministry, and the Eucharistic Bread and Wine after consecration.

"To think more of these sacred things than the Scriptures actually force us to think, to believe any thing about them which by any interpretation we can avoid believing, seems to such persons an actual sin: on the sceptical side they see nothing but safety, on the credulous side nothing but danger. Thus, though they know that the 6th chapter of St. John is the only place in the Bible where the Body and Blood of Christ is [are] mentioned, except the four places which record the institution of the Eucharist, yet since it is possible that in this one place it may be used in a different sense from [that in] which it is used in the other four, they at once assume that it is so. Though they know that τοῦτο ποιεῖτε εἰς τὴν ἐμὴν ἀνάμνησιν are the most natural words for our Lord to have used if He meant to say, 'Sacrifice this in remembrance

of Me,' yet since it is possible He may have meant no more by them than 'Do this in remembrance of Me,' they take for granted that He meant the latter and not the former. They know that some of the Evangelists describe our Lord's words over the elements as *εὐλογία* [blessing]; but since others describe them as *εὐχαριστία* [thanksgiving] they assume that *εὐλογία* can mean no more in this place than the *εὐχαριστία*. They know that our Lord's remarkable promises, 'Where two or three are gathered together in My Name, there am I in the midst of them,' and 'Lo, I am with you alway, even unto the end of the world,' were as a fact spoken to the Twelve, when apart from the other disciples; yet since they are sense, if understood as promises to all Christians, they assume that they certainly were made to all Christians equally. They know that our Lord said to the Twelve, 'Whatsoever ye shall bind on earth, shall be bound in heaven,' and 'Whosesoever sins ye remit, they are remitted;' but having made a paraphrase of these words which explains away their obvious meaning, they take this as a proof that the obvious meaning is false. They know that Jesus Christ communicated the Holy Ghost to His Apostles by breathing on them, and they to their successors by the imposition of hands, commissioning these successors to lay hands likewise themselves on persons to succeed them; but since it is no where expressly stated that this last imposition of hands was to convey onwards the precious gift, they conclude from hence that it did not."—vol. i. pp. 91—93.

It is not that people do not generally know what *proof* means, what modes and degrees of proof it is reasonable to require, and so forth; but they allow themselves in the matter of religious belief, a rigour of requirement, a closeness of stipulation, and a presumptuousness of reason, which they do not allow themselves in other subjects in which they are more versed and more interested. Take that very true though very much abused formula in the Sixth Article, and apply it to other subjects. It is undoubtedly true that common sense requires us, as reasonable beings, not to believe any proposition in science or morals which may not be proved to us from nature or Providence. But in how many senses may this be understood and misunderstood! How believingly and how sceptically may it be embraced! And how many explanations are absolutely necessary to save it from being made the warrant of universal Pyrrhonism. It is undoubtedly true that we should not believe, without satisfactory proof, that the earth goes round the sun—that if we sail across the Atlantic we shall come to America—that the Romans once occupied England—that water is composed of two gases, in the proportion of two measures of the one to one of the other—that Beethoven's music is good, and Raphael's paintings are better than Benjamin West's—that Charles I. was not rightfully beheaded—that we should love, honour, and succour our fathers and mothers—that a school-boy should read Sophocles and learn Algebra if his

master bids him—that a very young lady should follow her parents' direction in her choice of society,—and so on to the minutest truths and duties; yet in the case of many such propositions it is irrational to ask for proof, or rather the first and most prominent *evidence* for them is all the proof which it is reasonable to require. In many cases it is the sign of a disordered mind to demur or ask any questions at all: "Doctor, how do you know this medicine will do me any good; or how do you know it will not give me mere present relief at the expense of some permanent injury to my constitution?" or, "Why must I conform to the rules of society?" And if the demur is made ever so rationally, (and of course it is often most rationally made, otherwise all human virtue and truth would soon decay and finally perish under the influence of the fashions and prejudices of the world,) then the proof is not any universal calculus such as we imagined above—not any "great art" of demonstration—not any panacea for all human objections and difficulties, but certain special considerations, founded on certain particular facts and principles, appealing to certain peculiar faculties, and habits of mind and feeling. The proof which is properly required by one person, may be incommunicable and absolutely unintelligible to another; and what to one is amply sufficient, to another may be utterly inadequate. Circumstances lead one man to go by authority, another by scientific rules, another by personal observation. The village patient is wise to go by the word of his doctor, unless very flagrantly at variance with facts and common sense; the village doctor ought, in his turn, to use the national stock of science, and such range of experience as his practice affords him; and the popular town practitioner, with ten thousand cases under his eye, must and will content himself with nothing but the widest possible induction of particular observations. An authority, a maxim, a symptom, or any other ground of conviction, will in the nature of things be convincing to one, and absolutely void of weight or meaning to another. All proof, therefore, is relative to the subject matter, be it ethical and practical, or merely intellectual; relative to certain recognized maxims and opinions; and relative to the person, whether informed or ignorant, apt to understand and believe, or otherwise.

There cannot be a more striking instance of the illogical action of the mind when it does not wish to be convinced, than is afforded by its treatment of the Scripture evidence for Church authority. Mr. Froude has analyzed and exposed it in the following concise and effective passage:—

"The Ecclesiastical System, founded on a belief in the Apostolical Priesthood, has not been as explicitly revealed as many other parts of

Christianity. In the Holy Scriptures it is only intimated, not inculcated; and were it not from the reflected light thrown on these intimations, by our knowledge how they were interpreted in the Primitive Church, probably we should have attained only to a partial knowledge of their drift. This is admitted by all Churchmen, and this admission their opponents turn into a positive argument against them, on the assumption, that were the Ecclesiastical System true, it would not be left to subsist upon doubtful evidence.

"The process, by which doubtful proof is thus turned into refutation, is founded on the two following canons:—

"1. That God cannot be believed to have made any revelation to man, without causing it to be embodied in writing by inspired persons.

"2. That in the writings of inspired persons, nothing can have been intended to be revealed, except what is fully, clearly, and unequivocally revealed, so that he who runs may read. And that whatever besides may be elicited from these writings in the way of intimation and allusion, interesting though it may be to the Theologian, can constitute no part of what it was God's purpose to communicate.

"Now, if these two canons are admitted, the Ecclesiastical System, and perhaps other parts of Christianity, must fall to the ground. I believe, however, that they will not be found to stand the test of examination. For,

"1. Neither of them are self-evident axioms, nor yet deducible from any principles of mere Reason: as will be admitted by all who acquiesce in the following remarks of Bishop Butler, &c."—vol. i. pp. 73, 74.

Let it be well considered by those who would push to its utmost conceivable consequences the maxim, that nothing may be required of our belief, except what may be proved from Scripture, whether this necessary test of truth, this preservative against mere human traditions, was ever meant to indicate the *mode of teaching* religious truth. There is, as we have intimated above, a maxim of morals equally true, viz. that nothing can be required to be done as positive duty, but what may be proved to be for the advantage of man. *We* are persuaded that no system of morals will really stand the test of the greatest happiness principle except the Christian; and that *it* will stand the test. We are also persuaded, that as reasonable beings, endued with the power of calculating consequences, and moreover continually taught by the visible course of Divine Providence, we are bound to try all duties or pretended duties by the test of results. As we believe that revelation, and the moral laws of the world, proceed from the same Almighty source, so we may fearlessly stake the truth of the former, on its harmony with the latter. We are ready to *prove* that the best Christian is the happiest man himself, and contributes the most to the happiness of others; and that no course of life or single act is advisable on the ground of temporal expediency, which is not also perfectly in unison with Christian principle. The

Christian believes this can be *proved*. Yet what man, however wise and good, will pretend that he has himself the power of *proving* this irrefragably against all contradiction and cavil? Or again, what man will pretend that it can be *proved* to men of all kinds and tempers, good or bad? *Proof, i. e.*, proof amounting to conviction, in this case evidently supposes something more than the adequate intellectual qualifications; it supposes certain habits, certain tastes, and certain acquired and cultivated faculties, for tracing, measuring, and comparing consequences. Many men are by their vices incapable of entering into the argument—many are hardened against its conclusions—many have reasoned themselves into contrary results. Nay, more, whole generations, whole peoples, whole hemispheres, have, so to speak, been possessed by false opinions and vicious standards, so as to constitute enormous exceptions to various points of what we consider the universal rule of morality. At least it is evident, that, when we assert that virtue may be *proved* to be identical with true expediency, we mean some mode of proof very different from a mathematical, a physical, or grammatical demonstration; nor do we attempt to prove it to any one till we know something about him,—what kind of a person he is, how he has been educated, and in what society he lives. There can of course be no real opposition between reason and any reasonable feeling or principle. It is only in some new sense of the terms implying a corruption of these things that any contrariety can be allowed to exist between them. Reason, or right reason, as it is sometimes rather unnecessarily termed, is the master faculty of the mind, which, so far from any natural repugnance to the senses and feelings, acts and exists only in admitting them to her deliberations, and assigning them their due place and weight in the formation of opinions, and the guidance of conduct. For example, Reason itself invites and commands us to serve our friends, to act by hearsay information, to let well alone, and so forth. The man who should not give these principles in their proper place and degree a special and decided regard, would be as irrational as the madman who pulls down a house over his own head. But the same Reason also checks the undue preponderance of these particular principles, by admonishing us of others as sacred and important.

If there is one subject more than another in which nature teems with analogies and warnings it is this, that the way to any perfection is the due regulation and government of various principles, which may indeed conflict, but which, if they do conflict and lose their natural proportion, will certainly mar the work. There is no *real* diversity of interest between a king and his

people, no real repugnancy between the art of bodily health and the desire of food, no real enmity between a salubrious and productive climate and the winds of heaven, though they may sometimes seem, or be sometimes made, to clash. This universal harmony of teaching heard from all parts of nature, whether physical or moral, has deeply marked the current wisdom of man. The accumulated experience of ages bears down with an irresistible force against all systems founded on a partial and incomplete induction of the human lot and circumstances, and all tyrannies of individual principles. Ten thousand saws and precedents, and solemn admonitions, while they beckon us away from new and singular and eccentric courses, bear their testimony that these are the great perils of the human mind. The world's great errors have all derived their power and prevalence from the excessive, and, therefore, irrational following up of some principles in themselves and in moderation wholesome and necessary.

Mr. Froude forcibly urges against the method of religious inquiry now common, the analogy of physical investigations.

"The fact is, that throughout Scripture the scheme for effecting man's salvation is represented as consisting of many parts, any one of which may, for aught we can see, be as indispensably necessary as any other: to such a degree that no wise man will suppose he sees the full meaning of any one part of it, or all its relations to other parts; but will be contented to believe whatever appears to be revealed, without requiring that it should accord with his deductions from other revelations.

"If indeed any principle has certainly been laid down in one part of Revelation, no fact that militates against it can possibly have been revealed in any other part, and no appearances of such a revelation can be trusted. But if the principle in question is merely a human deduction from one class of revealed facts, then, unless it accords with every other revealed fact, it must be delusion; and the slightest appearance that any fact not in accordance with it has been revealed, should teach us to distrust it. In all cases, the greatest possible distinction must be observed between human theories respecting the spirit of Christianity, and revealed declarations about it. For as in physical science nothing has so much obstructed men's progress, as the disposition to theorize on insufficient data, and then to make these theories the test of facts, instead of trying them by facts; so the same observations seem to extend to religion with still greater force, though mankind are not so ready to admit of it. Christianity, as well as Natural Philosophy, is a system of facts, and, as such, can only be made known to us either by experience or testimony: experience is out of the question, so that testimony is the only evidence of which the case admits. And hence, in the case of Christianity to disregard testimony, is exactly the same solecism as it is to disregard experiment in Natural Philosophy: in either case it is to disregard the only evidence which can by any possibility be afforded us. Neither is it in any degree more reasonable, to disbelieve some facts

which appear to be revealed, because they do not accord with theories which we have formed, about other facts admitted to be revealed, than it would be to discredit any new discovery of science, because it proved that we had drawn wrong inferences from former discoveries."—pp. 72, 73.

If the mind could enter upon the study of the sacred text absolutely unswayed and unoccupied, without a single preference, opinion, or theory, then it is conceivable (if any thing can be conceived on so unconceivable a supposition,) that at least every separate part of Scripture would stand, if not a fair, yet an equal chance. That it would go ill with every part is very certain, but no one part, we may imagine, would suffer more than another. No one verse, or doctrine, or intimation, would be exaggerated or suppressed more than the whole mass. No one word or set of cognate words would first be warped from their obvious meaning, and then made the key of all the rest, and the "leading idea" of God's Word. Such a mind, possessing by hypothesis no element of order, no method of arrangement, would neither desire nor be able to give any unity or relief to its notions of the sacred volume. But as the contrary of this supposition has always been the fact, so the contrary result has always obtained. Never has there been a reader, who has not come to his task with an eye for one thing more than another. As men that search for divers ores, or precious stones, or any rare production of nature, have severally practised eyes for the respective objects of their inquiry, so that, overlooking all other things, their sight and mind leaps at once to that alone which they are seeking—so is one reader more apt to note and collect every word which refers to holiness of life; to another perhaps every verse is dark in which election is not found; another minds not an iota but what relates to the pastor's or the preacher's office; another realizes nothing but the fact of a visible church and the sacraments. One man finds in every verse a warrant for spiritual rebellion, another for lording it over God's heritage. A dead language or the terrors of an inquisition cannot more effectually lock up Scripture from the people, than a popular theory hides and deadens all those passages of Scripture which it does not specially illuminate. Let the reader thus possessed have ever such honest intentions, and diligently work his way through every successive verse, yet he cannot mark, learn, and inwardly digest a single text, but those which he feels to be in unison with his own heart's string. All else to him is dull, verbal, nominal, legal, obsolete, dark, at any rate it leaves no trace behind; the sole of his foot can find no rest in it; like a man crossing a marsh on stepping-stones, he picks out his own texts by a sort of intuitive relish or instinct of

self-support. The Protestant writer condemns and despises the Fathers, not because their views and feelings were not based in Scripture;—nothing of the sort; nay, he admits that they quoted the Scriptures more copiously and boldly than he does himself, nor does he at all insist on the irrelevance of their manner of quotation; —he contemptuously explodes them out of the court of modernism on the very ground of their quotations; he makes a list of their texts and of his own, and he finds that they quoted many which he does not, dare not, can not, knows not how to quote, while they did not refer almost exclusively to those on his own list. The very gravamen of his charge against them is, that in some points which his New Light tells him are of little or of evil significance, they were more honestly and faithfully scriptural than he is himself.

A very slight attention to the arguments of ultra-Protestant writers will show that their premises are as flagrantly assumptions, and as unwarranted by the written word, as any dogma, we say not of the Church, but of modern Rome. These assumptions are however the meat and drink of millions, the very air they breath, the piles on which their house is built. They are too often maxims borrowed, to serve a present turn, from the detested armoury of the self-willed, the infidel, and the scoffer. They lie deep in the mind, and ready on the tongue, till at last they delusively seem to those who always live within their influence, as the foundations of the earth which cannot be moved, and as the prompt suggestions of the Spirit's aid in the hour of controversy. Minds keen and quick to scrutinize and convict by scriptural test the teaching of "infallible" Rome, and to pull the mote out of her eye, will not admit the least suspicion of a beam in their own. But who can say how far he is not influenced by the maxims of a spurious philosophy; which of course are all the more liable to mislead, and to infect the whole heart and mind, just in proportion as they are lurking and impalpable. They are the mighty though unseen levers by which soul is stirred; the great wheels on whose slow and scarcely-observed revolutions all the energy and rapidity of a thousand lesser parts depend.

One instance of a popular assumption which Mr. Froude exposes is the notion, which Bishop Butler has already condemned in his wonderful work, that a miracle cannot be real, if it be invisible. For instance, he says—

"It will probably be admitted that the hearts of all persons in covenant with God are continually acted on by a *real* power: the very power of the Holy Ghost, who is ever calling us day and night to repentance and salvation, inviting, warning, rebuking, succouring us; yet let any one fairly ask himself whether this is a visible power? Let him turn his thought

on that desolate wilderness, his own conscience, and say what he sees there. I do not say, that at the end of a long life, or even after the lapse of any very considerable period of years, a man may not, by looking back, detect here and there, on putting various things together, faint traces of the mighty influence to which he has been subjected; he may track them out like a path over the mountains, more distinctly as the prospect becomes distant. But that at any given time, at the moment, for instance, when the greatest effects are being wrought in us, these can in any sense be called perceptible effects, is what few but enthusiasts will maintain. But even supposing (what is not at all to be supposed), that the influences of the Spirit were in some cases perceptible, nay that they were generally so, still, if they ever were not perceptible, if ever there has been any single case in which they have not been so, that single case is sufficient for the present purpose: it proves that power, though invisible, may nevertheless be real."—vol. i. pp. 47, 48.

Another is the inane and ridiculous view commonly taken, even by men of ability and education, of the Apostolical doctrine, as if its supporters were contending for a matter of form, or a particular kind of Church government.

"What can be flatter and less interesting, in a religious point of view, than long historical researches to prove the Apostolical succession, if no other inference is to be drawn from it, than the *formal* identity of Episcopal Christian communities among us with communities set on foot by the Apostles? such an identity, for instance, as that subsisting between the Free Mason's Society of the present day and the Secret Societies of the middle ages. To investigate such a point might indeed afford amusement for the leisure hours of the curious, and undoubtedly the fact is very remarkable: but to lay stress on it as part of religion would certainly be trifling in the extreme.

"Let it only be assumed, as it is now almost universally assumed, that the sole ends for which the Church was instituted are decency, order, and the propagation of true doctrine, and an end is put at once to all ground for arguing about the Apostolical Church Government and Succession. Any religious community which answers these sole ends, for which the Church was instituted, answers every good purpose which the Church can possibly answer; and the question between one community and another will be, not, Which can trace back its succession farthest, or which retains most of the Primitive forms, but, Which best fulfils these great essentials, the maintenance of order, decency, and true doctrine. Judging as the world now judges respecting the nature and intention of the Church, to prefer one community to another for any other superiority than this, is laying undue stress on non-essentials, and confusing formal with real religion. And so far those persons are right, who, taking for granted the common notions about the Church, discard the consideration of any merely ecclesiastical questions.

"Let it not however for a moment be supposed, that it was any undue attachment to non-essentials, or any inability to distinguish between the forms and the spirit of religion, which has in all ages led so many holy

and humble men of God to treat these merely ecclesiastical questions as matters of vital importance. It was not for want of discriminating between external and internal, or between doctrine and discipline, or between forms and realities, that such men as the great Hammond wrote and thought so much on the divine institution of Bishops, and the invalidity of Presbyterian ordination, and the obligation that all Christians are under to communicate with the Apostolic Church. It will be remembered by most persons that the Reformed Church of England has given birth to two Martyrs, an Archbishop and a King, and that these blessed Saints died for Episcopacy. But was it for a form, or a point of discipline, that they resisted thus unto death? surely not. Whether mistaken or not, they had far other thoughts of the cause in which they suffered. In their view it would have been just as shallow theology, to say that the Church was instituted solely for decency, order, and the maintenance of sound doctrine, as to to say that Christ came into the world only to establish order, decency, and sound doctrine. And when they contended for Episcopacy as one of the essentials of religion, they no more regarded it as an external and a form, than they regarded Christ's death upon the Cross as an external and a form. As they conceived Christ's coming into the world, and death upon the Cross, to be mysterious parts of the Divine Economy for the salvation of sinners, so they regarded the institution of the Visible Church as a not less mysterious part of the same Economy towards the same end: and Episcopacy they considered as a Divine Mystery for perpetuating this Church."—vol. i. pp. 39—41.

It is just as possible for a man to divest himself of himself previous to the consideration of each new step of life, as it is to read a single text of Scripture without being secretly but effectually biassed by one's opinions and habits, and thought and feeling. *E. g.* an acquaintance behaves in an equivocal manner; it is not as clear as noon-day how he has acted, much less is it clear how you should behave to him, whatever view you may take of his conduct; one thing only is clear, that you must act to him one way or another, and you must also settle that soon, as you may meet him the next time you go out of doors, and you cannot be a prisoner to avoid making up your mind. Well, try if you can to weigh the question as the Socinian weighs Scripture; put aside your prejudices, your theories, your great names and authorities. What progress will you have made in your deliberations by ten o'clock, when you must pass through the market place, and probably fall in with the subject of all this perplexity. Either you will be undecided; or some one of your many banished prepossessions, perhaps the most dangerous because the least suspected, will have worked all the while in your bosom, or imperceptibly stolen back from exile, and, by a little underhand process unknown to yourself, got a judgment pronounced its own way. We cannot transmigrate in a moment from men in the bodies of abstract phi-

losophers: we might as well attempt to flay ourselves alive, as to strip ourselves of our own constitution and habits.

Some notes of Mr. Froude's are preserved to us on this subject, which, alas, were never worked up into the shape which they were intended to assume.

"Some people say to themselves, 'We will not be prejudiced, we will read and think and interpret for ourselves, by common sense, and not according to the ingenious pedantry of commentators,' &c. Such people are under a great delusion. Let them try ever so much, they neither think for themselves nor interpret for themselves. They are in a groove, and cannot get out of it. Their notions, their feelings, their associations, are not their own. They have picked them up from others, or from opposing others. Every idea of theirs is different from what it would have been, if they had been brought up in other times or in other society. The views of their times and their society are most dogmatical commentators, and will intrude at every instant on unprejudiced thought, unperceived and unsuspected. What they have to choose between is, whether they will resign themselves to this commentator, or compare its dogmata with those of other commentators, whose times and whose society have been different.

"Do they mean to say that if a plain, simple, uninstructed heathen took up the Bible, he would think it such a very plain book, so completely within the reach of his understanding? would it not be a mass of mystery to him from beginning to end? and why so? because he would not be familiar with hundreds of words and phrases, with which, from hearing them very often, the same class of understandings are now familiar, e. g. "Two or three gathered together." Now this very familiarity is a prejudice, a grotesque prejudice. It is either accompanied with ideas, or a substitute for them. If the former, the ideas are a prejudice, imbibed unconsciously, and therefore at random; from all kinds of sources which chance, not our own wisdom, has selected for us.

"A man reads over the verse, 'Whatsoever ye bind,' &c. and goes on to the next as if his eyes had met nothing to arrest them. He sees nothing in it remarkable; all there is quite plain; it is merely an Orientalism, or a Hebraism, or a strong mode of speaking, to assure faithful Christians of His [Christ's] support. What does he know of Orientalisms or Hebraisms? or has he ever in his own experience encountered such strong modes of speaking? If a friend had said to him, 'Whatever debts you contract I will pay, and he had contracted debts in the assurance, would he be well contented with the explanation, that nothing more was meant than a strong expression of good will! No; these strong modes of speaking are not the sort of thing men meet with themselves, and would never come into their heads but by being put in. Somebody (they forget who) once (they forget when) told them this was a strong mode of speech. They never took the trouble to ask whether he was right or wrong; they have altogether forgotten the circumstance; but the explanation floats before their mind, and they think it the suggestion of their own unbiassed common sense."—p. 88—90.

It is impossible for us to estimate and make due allowance for all the influences that go to make our judgments exactly what they are. Men of science tell us that every leaf which falls to the ground affects the direction of the earth. What does not affect our minds? How can we altogether escape the tide of opinion, which bears us along, and which has already formed our modes of thought and action before we had the power to reflect upon it. Let a man spring from the earth's surface out of the reach of its attraction, and remaining motionless in space let him watch it receding under his feet, and measure its direction and progress with reference to his own position;—then, and not till then, may he pretend to say that his religious views and decisions are wholly unbiassed by the custom of the world, and the traditions of men.

The existing customs of society, whether of a secular or directly religious character, whether right or wrong, whether of human or Divine institution, are *traditions;* traditions more powerful to teach and mould the mind and conscience than words can be; as much traditions as those of the Pharisees, which it must be remembered were customs, not mere *verbal* glosses. The existence and the non-existence of a custom are equally traditions. The one makes us prejudge the custom to be right or allowable, the other, that it is wrong or needless. The baptism of infants, and that by sprinkling; the custom of not celebrating the Holy Communion every Lord's Day; the practice of considering people Christians though they do not communicate; not meeting daily for public prayer; suffering there to be some "among us that lack;" bishops living like nobles, and priests like gentlemen; parsonages handsomer and more costly buildings than churches, and more splendidly furnished; the disuse of Christian salutations and blessings in our daily conversation; discontinuance of ecclesiastical censures; the Church of England resigning itself to a state of spiritual insulation from the rest of Christendom without an effort or wish to be reunited; the union of Church and State; choosing the ministers of the Church only from the learned and wealthy; calling them doctors, masters, and reverends; not fasting, not washing the saints' feet, not anointing the sick, not looking for miracles; a luxurious and splendid mode of living; making heathen poets and philosophers a part of clerical education;—all these, and a thousand other such usages, are *traditions,* and traditions which so far are human, that they are contrary to the first and most obvious meaning of Scripture.

The standing customs of a Christian country, unresisted and unrebuked, are its virtual interpretations of Scriptures. We unhesitatingly go to war with another Christian country without affecting to bring our differences before the Church; what can be

more contrary to the first blush of Scripture? We send an army into another country, Christian or heathen all the same, deluge it with blood, depose its prince, and add it to our dominions, not for any overt act, not for any immediately expected injury, but because its general policy is supposed to be adverse to our interests, because it wishes to be neutral when its neutrality is dangerous to us, or because it will not suffer our merchants to minister to the vices of its people. Right or wrong, what can be more contrary to a *literal* understanding of the sacred text?

The usages of every sort, however unintentional and accidental they may seem, however separable in theory from its formal system, are all but so many virtual glosses on Scripture, of far greater power to mould the judgment in religious questions than the words of commentators and controversialists. They are its *traditions*. The "serving tables" in the Scotch Kirk is a human tradition as much as the Romanist system of indulgences. Independency is as much a tradition of men as the most unscriptural pretensions ever advanced by the chair of St. Peter. Confession to a class meeting is as much a tradition and gloss of men, as confession to a priest. The practice of uniting in a religious work with heretics or schismatics is as much a tradition, as delivering them over to the civil power for punishment. Scattering the Bible without the Church is as novel and gratuitous a practice as spreading the Church without the Bible.

Men can no more have a *general power* of interpreting Scripture and reasoning on religious questions, than they can be really cosmopolites, really forget their mother tongue, and learn to speak and think in a universal language. They are forced to translate the Bible, not only into their own language, but also into their system, and actual practice. The Bible presents them with the dead letter; they cannot understand, receive and vivify that dead letter unless they attach to it ideas and things. Where do they find those ideas and things but in their own immediate sphere? Whatever is counted justice or holiness amongst themselves, however peculiar it may be to themselves, according to that do they understood the words "just" and "holy" in the Bible. The "worship," the "self-denial," the "humility," the "charity," the "alms," the "hospitality" of Scripture, if they ever cease to be mere words, vox et preterea nihil, in the mind of the reader, cease only by forming partnerships with the nearest forms in which these things are known to him.

If the reader has *no* suitable idea, no fitting feeling in his mind, then Scripture must continue a dead letter, or worse than a dead letter, as far as those particular things are concerned, which have no place in the reader's mental system. We know that not only

individuals, but whole nations may be partially so blind, so imperfectly developed in intellect or morals, so warped and maimed and degraded in their faculties, as to be utterly incapable, humanly speaking, of receiving religious ideas into their minds, even in that ordinary degree of truth and dignity of which we hope ourselves to be capable. The translator takes their vocabulary; he spreads before himself all the treasures of their historical, poetical, philosophical, and colloquial phraseology; he endeavours to gather and arrange out of that store a basis of terms either religious or capable of a religious application, and fit to represent the spiritual things of the Bible. He sinks in despair at the poverty of his materials, and the miserable inadequacy of the terms he must employ; but he must go on; nothing less than an intelligible and idiomatic version of the Bible in that tongue as actually spoken will satisfy his conscience; so he completes his work. It is a masterpiece of ingenuity, showing what may be done with the given words and signs; the language itself is ennobled by the attempt; and the translator is consoled for failure, if conscious of it, by the sacredness of his duty, and the nobleness of his attempt; magnis tamen excidit ausis.

But what a failure after all perhaps it is. Rather a travesty of the Bible than a translation. As the extreme of what we refer to, the version of the Scriptures in the dialect of West Indian negros may be mentioned, too shocking for an Englishman to look into. We were once told by a Spanish scholar, that that language was so corrupted, owing partly to the profligacy of the people and their wretched abuse of words, and partly to the circumstance of there being little read or written in the vernacular, except novels, plays, and such light matters, that it was become impossible to translate the Bible into the language as now spoken, without incurring perpetual risk of painful double senses, and ludicrous applications. A heavy judgment indeed for a nation to draw on itself, if it were so! Again we are told, that a certain northern tribe conceived an insuperable aversion to the Bible and its doctrines, because the word chosen by the translator to denote heaven, the only one he could find, unhappily conveyed what to them was the peculiarly uncomfortable idea of windiness, coldness and dreariness. The authors of the Romanist English version felt this difficulty at least in doctrinal expressions, and incurred from the bolder Protestant the reproach of publishing "a translation which need to be translated." An admission of this difficulty, or rather impossibility, of course does not interfere with our duty to meet it as far as possible. Though we cannot really translate, yet we must translate, fighting against impossibilities and hoping against hope. But we must still remember that every

translation is unavoidably a tradition, even putting aside the peculiar views and prejudices of the translator; and the reader who sets to work, making out his religion from his vernacular Bible, to a wilful exclusion of such other means of religious information as God has given him, is only running on one tradition to escape others.

So much for the inherent deficiencies of translation, which we intended only to touch upon as indicating in a small degree the absolute impossibility there is that any one generation should really enter into the mind of another by any process of reasoning. What man can enter into another's mind, though he be his brother, or nearer than a brother, and have been born and lived in the greatest possible similarity of circumstances? And what is the difference between a man and his brother, compared with that which exists between the nineteenth century and the first. If the nineteenth century studiously rejects all that the Apostles did and taught, and founded, except only their written words, then is it making its own poverty the measure of their fulness; its own perversity the rule of their faithfulness, its own ephemeral peculiarities the faint and distorted picture of their eternal doctrine.

As to the author now immediately before us,—to revert to him and his volumes once more before we conclude,—while we expect certainly a great effect upon the religion of the day from a mind so singularly gifted as his, we certainly do not expect, and never have expected, a sudden and perceptible effect. Views so bold, so original, so uncompromising as his, seem to float upon the surface of the current notions of the age as oil upon the waters; they seem to have no affinity to things as they are, and to be without a medium of acting upon them. We do not then look for any great extension of Mr. Froude's works or name for a long time; we are prepared to think that when talked of, it will be but objectively, as it may be called, as a phenomenon too far removed from the speakers to interest them or affect them,—as what they have just heard of, or hardly seen. But all the while a secret influence may be extending itself; persons may adopt his views who are better able and willing to dilute and temper them to the feelings of the many: the tone of religious opinion and the standard of recognized principles may gradually be rising; popular errors or assumptions may be silently dropped; and numbers talk *Froudism*, as it is called, who neither know the source of their own views, nor will credit it, when taxed with it. We are able to point at this very time to two remarkable instances of deep thinkers, with one of whom we have no, and with the other but faint sympathy, Bentham and Coleridge, but whom we must still allow to be unusual

minds, the chief philosophers of their day, who yet in their lifetime were not understood or appreciated, and have at length grown into celebrity, and are receiving the suitable reward of their intellectual powers, by means of what may be called the *atmosphere* of congenial thought which they have at length formed around them. They have created the medium in which their voices would sound, and then have been heard far and near. A like result, in the cause of truth, not of worldly philosophy, we hope awaits the author of these volumes.*

* The following memorandum made by Dr. Johnson on the same slip of paper on which he had written some preparatory notes for a projected Collection of Prayers, is so direct a testimony to some of the chief views in the volume before us, that we cannot forbear quoting it. Dr. Johnson has been looked upon as a witness to some neglected portions of Catholic truth and temper, raised up by Providence in the heart of that dark century, out of the midst of the laity, as if to reprove the degradation of the clergy, and to shew that if they held their peace, He could make the very stones cry out. These memoranda were made but a few weeks before Johnson's death, when he was fast declining in body, not in mind, and in consequence of a conversation with Dr. Adams at Oxford:

"Scepticism caused by—1. Indifference about opinions;—2. Supposition that things disputed are disputable;—3. Demand of unsuitable evidence;—4. False judgment of evidence;—5. Complaint of the obscurity of Scripture;—6. Contempt of fathers and of authority;—7. Absurd method of learning objections first;—8. Study not for truth but vanity;—9. Sensuality and a vicious life;—10. False honour, false shame;—11. Omission of prayer and religious exercises.—Oct. 31, 1784."

Art. VII.—*State of Religion and Education in New South Wales.* By William Westbrooke Burton, one of the Judges of the Supreme Court in that Colony. London: Cross, and Simpkin & Marshall. 1840.

We have seldom seen a work more satisfactory than that which heads our present article. It enters very fully into detail, and evinces on the part of the author a most perfect acquaintance with every part of his subject, as well as a high-minded and unflinching devotion, through good report and through evil report, to the cause which he has at heart—the cause of that branch of Christ's holy Catholic Church which is in Australia. This may make it rather dull and heavy to all who read only for amusement; patient research, rather than a light and flowery style, is what we want when Church matters are treated of. Our immense possessions in the southern hemisphere are anomalous in a degree of which the history of the world happily affords no other instance. Never before has man seen a colony founded, where far the larger part are convicts, the refuse and offscouring of all things; men rightly sentenced to exile from their country, often without hope of return, in pursuance of the just sentence of the laws

under which they live. The law views their longer continuance in their native land as incompatible with the safety and happiness of the peaceable and well-disposed part of the community. No one has ever doubted the right of a nation to inflict this severe punishment upon its unworthy members. What are commonly called secondary punishments have amongst ourselves almost entirely superseded the Draconian system, which in former times dintinguished and disgraced our penal statutes. In olden time an offender was sent out of the world with all his sins upon his head, ofttimes unrepented of, at least, unforsaken. It is a fact—a fact of history, undoubted and unquestioned—that in the reign of Elizabeth, three or four hundred of our fellow-men suffered each year the extreme penalty of the law.* Both the philanthropist and the Christian (and the Christian is the only true philanthropist) may draw a pleasing contrast between our then statutes, written in blood, and those which are now more certainly, because more mercifully, carried into execution. Maritime discovery has opened a vast field for the extension of our commerce, a new home for our laborious and honest poor who cannot find a decent subsistence in their over-peopled fatherland; at the same time it enables us to punish severely those who are convicted of crime, and yet give them time and place for repentance. We are bound to carry the laws into effect; we men can but judge of the outward conduct; we must leave to the searcher of hearts, who hath said, "Vengeance is mine!" the real punishment of all crime; not only of that which affects ourselves, but of that also which is in direct opposition to His purity, though it come not under the notice of human law. All we do as a nation should further, not frustrate, the purposes of God. He willeth not the death of any, even the worst sinner. There is hope as long as life lasts; and so transportation, if rightly carried out, if looked upon in a Christian light, and not as a mere matter of political expediency, is the punishment most worthy of a civilized, of a Christian land. But we, who avail ourselves of the present security which transportation gives to our lives and property, have applied to undying beings, erring indeed and degraded, but still our countrymen, the common proverb, "*out of sight, out of mind.*" Thousands of ignorant and sinful men, sinful mainly because ignorant, (and both their ignorance and their sin will in great measure lie at our door), are each year carried forcibly from our shores, and whilst they are kept fast in the bonds which the law has justly

* We trust, for the sake of old England and the cause of common humanity, that these numbers have not been lessened by telling. The same author (Harrison) states at second or third hand "that Henry VIII. in the course of his reign hung up threescore and twelve thousand great thieves, petty thieves and rogues."—*Southey's Essays*, vol. i. p. 97.

placed around them, are cut off from that which is the right of all men,—the means of escape from the more grievous slavery of sin and death. We do not thus treat the most guilty inmates of our prisons at home; we are still a Christian state (God be thanked for it), and a chaplain is still attached to each of our gaols. We have been ready enough to avail ourselves, as a nation, of the security which transportation gives us, but have forgotten, in a most fearful degree,—in a degree which may soon call down upon us the vengeance of our offended God, to whom, both as a nation and as individuals, we shall one day have to give a most strict account,—the fresh duty which this new mode of visiting offences lays upon us. Are we justified in punishing a criminal, however guilty, both in a temporal point of view, and at the same time in cutting him off from the soothing, the restraining, the ameliorating influences of the holy Church? To this we fearlessly answer, No!—and we are certain, that the good feeling of every true Englishman will give the same reply. Yet of this sin we, as a nation, are guilty, in the case of those poor outcasts whom we banish to Australia. We inflict on them a double punishment, which is not thought of in any of our gaols at home. If, on their release, prisoners do not come out changed at once into good and honest men (which could not be hoped), they have at least had time for reflection, have been brought into personal contact with one of those whose duty it is to *preach the Gospel to every creature*, have been, during the time of their confinement, within reach of the means of grace and repentance which our Church holds out freely to all. This, alas! as we shall fully prove in detail from Mr. Justice Burton's book, is not the case with our convicts in Australia. They are cut off—justly cut off from their rights as citizens, but they are also cut off, most unjustly and iniquitously, from the privileges, which remain to us, as members of Christ's Church on earth. To this Church they must belong, whether they abuse their privileges or not, from the hour of their baptism to the day of their death; and yet by reason of the sinful neglect of our nation, they are, as far as human means go, debarred from turning, in repentance, to their offended God, through the ordinances which Christ himself has ordained for that purpose. This is a national sin. Of national sins pious Christians often think lightly, at least act as if they did so; but there is no abstract idea of a nation which will hereafter bear the burden of a nation's sins; each individual will have to answer for his share in the sins of the nation to which he belongs, to pay the penalty of the crimes which he has led her to commit, and also of those omissions which he has not to his utmost striven to remove. This is what should make each and all of us look to Australia,

and tremble. This newly-discovered territory, far greater in extent than the mother country, and which will, doubtless, one day exceed her in population, might have been the glory of our land, may still be so, if we boldly step forward to repair our past neglect; but will surely, if we continue our present disgraceful line of policy towards her, be our shame in time and in eternity.

One of the most cheering signs of the times, in reference to this subject, is to see a man like Mr. Justice Burton, whose high official appointment has enabled him to become fully acquainted with the working of the law in Australia, who has witnessed with his own eyes her present degraded state, to which we all are more or less guilty parties, to see such a man come boldly forward and state in clear and temperate language, without fear or favour, the awful result of the apathy and neglect which every government, without exception, has shown toward our Australian colonies. At the same time he has clearly pointed out the means by which we may repair our past neglect. Mr. Justice Burton is no party man. In a speech which he delivered at a meeting of an union of the four great Church Societies, he thus boldly lays the moral guilt of the present state of things where it is due. "I lay blame at no man's door for this. But no; I lay the blame at every man's door, at every Englishman's door." By far the most striking characteristic of our English law, is the absolute independence of those who have the administration of it; they are not removable at the pleasure of the government. It is so in England: it is so in some of our colonies,—the Cape, for instance, where Mr. Justice Burton was for some time: it is *not* so in Australia. Yet unbending firmness and a fearless love of truth have emboldened Mr. Justice Burton to speak out, to spare no one who ought not to be spared, though his removal from his present situation be the result; to blame not this government or that government, but every government, for their shameful neglecting the best interests of Australia.

The details of his book are most fearful; yet every Englishman will read it under the influence of fear tempered by hope. Our task in reviewing it will be an easy one, as we shall not have to do more than to give extracts as copious as our limits will allow. We should regret their briefness, even more than we now do, were we not certain that the book itself will be extensively read, and that by persons prepared, as far as they are able so to do, to act upon its contents at any personal sacrifice. Mr. Justice Burton has the happiness to enjoy the confidence and friendship of Bishop Broughton, that humble follower of Christ, and devoted servant of the Church in Australia. We know not which is most happy, the civil functionary, who has an ecclesiastical superior,

whom he may at once love and venerate, whilst he pays him all due obedience; or the Bishop, who has found such an ardent and uncompromising coadjutor in all that concerns the well-being of the Church committed to his care.

We shall strictly follow the very lucid arrangement of Mr. Justice Burton, as we trust our present notice of the work will serve only as an index to guide others in that patient study which it most richly deserves.

The main characteristic of the work before us is its uncompromising spirit, its statement of truths, however bitter they may be to all who are responsible for the present state of religion and education in Australia. Mr. Justice Burton spares no one who ought not to be spared. He is thus enabled to take high ground, from which nothing can dislodge him but a refutation of his facts. And this from his integrity, accuracy, and power of information, we boldly assert to be impossible.

The first chapter relates, in a clear and forcible manner, the first landing of English settlers in Australia, and at the same time feelingly laments the small provision which the mother country made for the spiritual wants of her foster child. We all know that the idolatrous Greeks, when they sent out those vigorous offshoots which carried their arts, literature, commerce, laws, and civilization, all over the then known world, were careful to make this their first object. Every expedition, which left the shores of Attica, was blessed and accompanied by the ministers of Religion. Have we less faith in the permanency of our own true Church, our heaven-taught creeds? have we less confidence in its power to extend its branches all over the world, than the heathen in their own degraded and debasing rites? Alas! the present state of the globe gives a clear, though most shameful answer, to this solemn question. We are extending the English tongue and pushing English commerce to the farthest limits of the globe, but English vices every where mark our path. We have neglected to carry with us the purifying influence of our holy faith, which is essentially *the salt of the earth*. So that it has actually become a grave question with politicians and political economists, whether the rude and bloodthirsty heathen are not carried back in the scale of created beings rather than softened and ameliorated by their intercourse with those who profess, and but profess, to believe in the name of the pure and meek Son of God.

"As introductory to the present state of the Church in New South Wales, and as illustrative of the degree of interest which has been from time to time evinced in the spiritual welfare of those persons who from various causes have become inhabitants of its soil, it is proposed in the first place to review the means which have been used to promote that end.

"And here it must be remarked, upon the authority of the late

Reverend Samuel Marsden, (who filled the office of chaplain in the colony from the year 1794 to the time of his death, the 12th of May, 1838,) that 'when the fleet was on the point of sailing with the first convicts for New South Wales, in the year 1787, no clergyman had been thought of, and that a friend of his own, a pious man of some influence, anxious for the spiritual welfare of the convicts, made a strong appeal to those in authority upon the subject, and through the interest of the late Bishop Porteus with Sir Joseph Banks, the Reverend Richard Johnson was appointed chaplain.'—pp. 1, 2.

We have in a note a most melancholy proof that the same spirit is not extinct among us.

"An oversight equally remarkable took place upon the recent expedition to Port Essington, under command of Sir John Gordon Bremer, in H.M.S. Alligator, accompanied by the Britomart Brig, Lieutenant Stanley Commander, which sailed from England with upwards of 500 souls, unprovided with any minister of religion. There was no clergyman at the disposal of the Bishop of Australia when the expedition reached Sydney on its way to the intended settlement, but his lordship furnished it with such means as were in his power; he caused a temporary church to be constructed for them, and Bibles, Prayer-Books, and other religious publications to be supplied to Sir J. G. Bremer.

We have not yet learned by experience, and God grant that we may not yet have to learn by the more painful teaching of bloodshed, confusion, and anarchy, that no undertaking can prosper, which is not blessed by Almighty God. He says to states as well as to individuals, "Them that honour me, I will honour; and they that despise me shall be lightly esteemed."

"It serves however to rescue the ministers of the crown at that time from the charge of intentional neglect in a matter of such importance, to state, that although an oversight so remarkable nearly caused the infant settlement to be founded unblessed by the ordinances of religion, yet at a later period, and in the first royal instructions which appear to have been given respecting the granting of lands, and the allotment of ground in townships, and which were received in the colony so early as in the month of June, 1790, 'provision was made for the Church by allotting in each township which should be marked out, 400 acres for the maintenance of a minister, and half that quantity for the maintenance of a schoolmaster.' A provision showing that the interests of religion were not intended to be overlooked in the new establishment.

"The first fleet above alluded to consisted of H. M. S. Sirius, the Supply brig, six transports, and three store-ships; distributed among the transports, and in the Sirius, were one major commandant, four captains, twelve lieutenants, twelve serjeants, twelve corporals, eight drummers, and 160 privates of the royal marine corps, with an adjutant and quarter-master. The convicts consisted of 565 men and 192 women."*

"Their voyage (in the words of Collins, the historian of the first fourteen years of the settlement, who was for several years judge-advo-

* Collins's Account, pp. 2, 3.

cate and secretary of the colony) was, 'under the blessing of God, happily completed in eight months and one week, the whole fleet being safe at anchor on the 20th of January, 1788; a voyage which, before it was undertaken, the mind hardly dared venture to contemplate, and on which it was impossible to reflect without even apprehension as to its termination.

"'Governor Phillip, with a party of marines and some artificers, arrived in Port Jackson, and anchored off the mouth of the cove intended for the settlement, on the evening of the 25th of the same month. The disembarkation of the troops and convicts took place from the following day until the whole were landed: their numbers amounted to 1030 persons.' Some natural reflections are made by him who witnessed 'the stillness and tranquillity of that thick wood, which had then for the first time since the creation been interrupted by the rude sound of the labourer's axe, and the downfal of its ancient inhabitants—a stillness and tranquillity which were from that day to give place to the noise of labour, the confusion of camps and towns, and the busy hum of its new possessors.' A wish is fervently expressed that the greater part of them did not bring with them 'minds not to be changed by time or place;' and if it were possible that on taking possession of nature as they had thus done, in her simplest, purest garb, they might 'not sully that purity by the introduction of vice.' In few words, the act of taking possession of the new settlement is described, and the busy labour of its new inhabitants.

"'In the evening of this day (the 26th) the whole party then present were assembled at the point where they had first landed in the morning, and on which a flag-staff had been purposely erected, and an union-jack displayed, when the marines fired several volleys, between which the health of his majesty and the royal family, with success to the new colony, were cordially drank.'"—pp. 2, 4.

These healths, we fear, were drunk in a different spirit from that in which the libations of the Greeks were poured forth. To proceed:—

"Next day, 'parties of people were everywhere heard and seen variously employed, some in clearing ground for the different encampments, others in pitching tents, or in bringing up such stores as were immediately wanted; and the spot which had so lately been the abode of silence and tranquillity was now changed to that of noise, clamour, and confusion; but after a time order gradually prevailed. As the woods were opened, and the ground cleared, the various encampments were extended, and all wore the appearance of order and regularity.'

"Looking back at the interesting proceedings of that day, and reflecting upon the causes which had led to this settlement, the habits and character of those miserable outcasts from the land of their birth, who were thus first planted upon another soil; reflecting also upon the mercy which had been extended to many, whose crimes had otherwise caused the forfeiture of their lives; and, above all, upon that mercy which had brought hither the little fleet so laden in perfect safety,—it is not without feelings of disappointment to be observed that the historian relates no more. Was there, then, no act of contrition, no act of gratitude,

which it had been becoming on such an occasion for Englishmen to offer to the God of their fathers, upon the erection of the national flag of England upon this distant land? How much higher had the principles and motives of those who planned and of those who conducted that expedition been estimated—how much more might have been expected from its institution in the moral and religious condition of its settlers, bond and free, then and in after-times—how different the reflection of the Christian observer, if that occurrence had been marked by a becoming act of religion! Let thanks, however, be given where they are so justly due: 'the whole (as used to be piously observed by the Rev. S. Marsden) was under the superintending providence of an all-wise and merciful God.'"—pp. 4, 5.

This surely is written in a spirit which speaks well for Mr. Justice Burton's devotion to the Church—a spirit which eminently qualifies him to plead the cause of the Australian Church—a spirit which we trust will not fail to find a kindred feeling in the heart of each of our readers.

One minister of religion alone accompanied the expedition, whose numbers are above stated. Divine service was, however, performed, but in such a manner as to make the honest peasant look back with regret, doubly poignant, to the land which he had left, and the church in which he had prayed to God on *each returning Sunday* at least; in a manner, too, which was little calculated to engage the affections of those outcasts who probably had neglected entirely the ministrations of our Church at home, and so needed still more its influence in what ought to have been their season of repentance. For six years, service was performed in the open air, subject to interruption from the change of climate.

From this period up to 1821 the population rapidly increased. God's original command, "Increase and multiply, and replenish the earth," has nowhere met a more full accomplishment than in the temperate climate of Australia. Even those who in this country have lived a life of drunkenness, profligacy, and sin, recover in a wonderful degree the tone of their body. It seems as if Almighty God were mercifully offering them the means of beginning a new course—to use a common, though forcible expression, of making a *fresh start*.

"In 1821, by a census taken on the 1st of November, the population was estimated at 29,783 souls, of whom 13,814 were convicts.*

"On the 2d of October, 1824, an archdeacon was appointed to the spiritual charge of the colony, the Rev. Thomas Hobbes Scott, and the number of chaplains on the establishment was increased to eight, and subsequently, on the archdeacon's representation, to fourteen: it was not, however, till the year 1828 that that number was complete. In

* Abstract General Minute and Wentworth's Australia, 1824, vol. i. p. 4

1825 there were ten chaplains, and the spiritual duties were discharged only at ten stations, the population in October of that year being reported at 31,133.

"In 1828, the ecclesiastical establishment of the Church consisted of an archdeacon and fourteen chaplains; there were eight churches and six chapels; seven of the chaplains occupied parsonage-houses, two temporary parsonages, four were allowed a sum equivalent to the rent of a house, and one resided at the Female Orphan School, near Paramatta.

"The population in November, 1828, was estimated at 36,598 persons, of whom 17,061 were convicts, and 7084 having arrived within the three years preceding.*

"In 1829 there were fourteen chaplains and three catechists, who attended at fifteen places of public worship, and officiated at fifty-three services, seventeen of which it was not possible to perform on every Lord's Day; and at the seventeen places where these services were performed there were upwards of three thousand convicts."—pp. 9, 10.

These are but dry details. But they are highly important to make out Mr. Justice Burton's case. We trust, then, they will be taken as a sort of pretaste of those matters of fact to which all must diligently apply their minds who would make themselves masters of this fearful subject. And what Churchman, what Englishman, can fail to see that it is his duty so to do, at any trouble or sacrifice of personal inclination?

"The penal settlement at Norfolk Island, it was urged (containing at that time upwards of 200 convicts, with the civil and military establishments and their families, having charge of the settlement), was without any minister of religion whatever, and had been so from its establishment.† The settlement at Port Stephens, it was represented, belonging to the Australian Agricultural Company, was in a state still more deplorable; for in addition to the convicts belonging to the settlement, there was a large number of free people brought from England, with their children; these last at that time amounting to nearly 100, of fifteen years of age and under, in a very deplorable state of ignorance, and having for their sole instructor and schoolmaster an Irish convict! Notwithstanding the archdeacon's urgent and frequent appeals to every quarter for increased spiritual means, this state of things continued with so little alleviation, that in September, 1833 (the population then amounting to 60,794 souls, of whom 16,151 were convicts, 43,095 being Protestants, and 17,238 as Roman Catholics), his excellency the governor, in representing the religious means of the community to the right honourable the secretary for the colonies, could only enumerate 'an archdeacon, fifteen chaplains, and four catechists, as belonging to the Church of England; and that with respect to places of worship,

* Blue Book, New South Wales, 1828.

† It so continued until 1836, when the number of prisoners (besides its civil and military establishment) amounted to upwards of 1000.

the Church of England possessed at that time in Sydney, and within forty miles of it, seven stone or brick churches of moderate size and respectable appearance, besides two others of the same description in more remote parts of the colony, and several less permanent buildings in various places.' "*—pp. 10, 11.

A sketch is then given of the provision made for the spiritual instruction of the Presbyterians.

" It was not till the 6th July, 1824, that the first Scots Church was commenced at Sydney. Dr. Lang left the colony for England in August of that year, and returned to it in January, 1826, with the first appointment of Presbyterian chaplain, and the Church was at last completed, partly by private subscriptions and partly by the aid of government, and by the devotion and sacrifice of the private property of Dr. Lang and his family, assisted by the opportune and liberal assistance afforded by the Rev. Samuel Marsden, principal chaplain of the territory."—p. 13.

In the colony, as here in England, our own Church had the superiority in point of time at least; though the less that is said about the conduct of those who ought to have rendered this superiority effective the better.

The Romanists are then spoken of:

" With respect to the Romish Church (although from the circumstance that all Irish convicts have been uniformly transported to New South Wales, they formed soon after the first establishment of the colony a considerable proportion of the population, and of these the great majority professed the Roman Catholic religion) its members had not the benefit of their own religious rites till the year 1803, when the Rev. Mr. Dixon, a priest of that communion *under sentence of transportation,* received a conditional emancipation, with permission to exercise his clerical functions as a Roman Catholic priest."—pp. 13, 14.

This surely is an odd mode, to say the least about it, of supplying to an infant colony those ministers who should be "blameless" in life.

Our esteem for the general spirit which pervades this book cannot prevent our speaking in other than words of approval of a passage which we seriously regret to see added on this subject.

" The sole consolation which the people of that communion enjoyed according to their own form of worship, after his departure, is stated by the Roman Catholic vicar general, the Rev. Mr. Ullathorne, in language which will ensure commiseration for the worshippers on more accounts than one:—a CONSECRATED WAFER. 'The blessed sacrament (says Mr. Ullathorne) had been left by the archpriest in the dwelling of a Catholic of Sydney, where for two years after his departure, the faithful, as many as could, were wont to assemble there to offer up their prayers, and receive consolation in their miseries. It is remarkably beautiful to contemplate these men of sorrow round *the bread of life, bowed down before the crucified,* no voice but the silent one of faith, not a priest *within*

* Despatch from Sir R. Bourke, No. 76, of September, 1833, to the Right Hon. E. G. Stanley, secretary of state for the colonies.

ten thousand miles to offer them that pledge of pardon to repentance, *whose near presence they see and feel.*"—p. 16.

The form of type is that given by the writer of the book. It, as we think, is no very becoming language from one who we doubt not most firmly believes the words spoken of this blessed sacrament in our own catechism. At all events, the zeal of these Romanists, which made them adopt this expedient, lest they should be cut off from that *which we as well as they believe* to be generally necessary to salvation, affords a contrast not very favourable to the lukewarmness and indifference of those who with ourselves hold a purer faith, and yet the same faith. For we should not forget that the sacraments of the Church of Rome are still sacraments, and as such, we doubt not, accompanied by a life-giving influence, though grievous errors have unawares crept into their administration as well as into her other rites and ceremonies. A tone other than that which the subject authorizes, seems to us, though we may be mistaken, to pervade the notice of this private reception of the blessed sacraments by these outcasts from their Church. These private communicants did indeed that which is not allowed by our own Church, but they did all they could; they did that which was commanded them by those whom they believe to be the authorized rulers of the communion to which they belong. It was an act of faith, at most an ill-judged one; yet as an act of faith may be pleasing to God. Some of the most pious of our own communion, the non-jurors, seem to have allowed a similar practice in cases of emergency. In one of their books of devotion a form is introduced for the private reception of the communion by those who are unable to attend its public celebration.

The Second Chapter fully details a transaction deeply involving the welfare of the Church in Australia; the whole progress of which has extended over many years. A school and church corporation was founded in the colony, and its system, if steadily pursued, would, ere this, have rendered its Church effective as a national establishment. That Church, we still trust, under all the reverses, not to say persecutions, to which it is now exposed, will still remain a true branch of Christ's one Catholic and Apostolic Church:

"The setting apart, for Church purposes, of a portion of that vast territory of which possession had been taken in New Holland under the authority of the parliament of England, was not only an act of becoming gratitude and acknowledgment to the divine guide who had led the English nation, to implant the English name and unfold the Christian banner, as in another world, but if the circumstances be weighed under which the colony of New South Wales was established, was also due to

those who were cast from time to time upon its shores, in execution of the laws of their country; it was also due to the unoffending offspring of these persons, for both were by their parents' exile cut off from the communion of the Church in England: it was due also to those who should afterwards, under public encouragement, become voluntary emigrants to the same country, and to their offspring."—p. 18.

We have oft times heard repeated the heartfelt wish of King George III., (and no doubt it was accompanied by his earnest prayer,) that every child in his dominions might be able to read its Bible, and also have a Bible to read; he endeavoured to carry into effect this paternal wish, not only in his own land, but also strove to extend these blessings to the miserable and guilty outcasts of his kingdom.

"Two years after the establishment of the colony, his most gracious Majesty, with that paternal regard for the sacred object of religious education for which his majesty was ever distinguished, was pleased to make provision for the church and schools, by issuing instructions to Governor Phillip, the governor of the colony, to allot in each township, which should be marked out, 400 acres for the maintenance of the minister, and 200 acres for the maintenance of a schoolmaster."—p. 19.

His royal son carried on towards completion the known wish of his father; he enlarged the gift

" in a way which promised, under the Divine Blessing, to be effectual for the purpose, and which did honour to the royal donor and the ministers of the crown who were his majesty's advisers in the measure.

" Thirteen years have elapsed since that endowment was set apart by his late majesty King George the Fourth, by 'Letters patent for erecting a corporation for the management of the church and school lands in the Colony of New South Wales;' and looking at this day at the terms in which they were framed, it is with undissembled concern that there remains to be added, that in the exercise of a power reserved in those letters patent they were five years afterwards revoked by his majesty's successor king William the Fourth. Both of these measures demand consideration."—p. 20.

A most admirable plan for the application of these funds was drawn up, and its two-fold object will put every reader strongly in mind of the practical effect produced in this country by the tenure of chapter lands.

" The net balance of their account was to be divided into two equal parts, one to be called 'The Improvement and Building Account,' and the other 'The Clergy and School Account.'

" The money remaining to their credit, on the former, it was directed should be applied in making roads, drains, or fences, and in the erection and repair of churches, parsonages, and school-houses, in the erection and repair of farm-houses or other buildings for the purpose of agriculture, or towards the permanent clearing, settling, and improvement of their estates.

" The money remaining to their credit on ' the clergy and school account,' was directed to be ' applied towards the maintenance and support of the clergy of the Established Church of England in the said colony, and the maintenance and support of schools and schoolmasters ;' that is to say, ' as to two equal seventh parts for the support of schools and schoolmasters ; and as to the remaining five equal seventh parts to the support and maintenance of the clergy in manner following ; first, in the payment of such stipends as might be granted by his majesty, his heirs and successors, for the support of any bishop or bishops, archdeacon or archdeacons, within the colony ; secondly, in the payment of such stipends as should by the same authority be granted to the chaplains or clergy of the said colony.' "—pp. 22, 23.

Our space will not permit us to enter into any detail of the funds vested in this corporation, or of the mode in which they were administered ; these lands were at first almost entirely unproductive, but as the colony extends, and the more remote districts become occupied, they would gradually have been raised in value and been able to meet the increased spiritual wants of the colonists. The highest officers of Church and State were *ex officio* entrusted with their administration; every security against abuse was taken; *in fact, no charge was ever made against them,* even when a pretext was wanted to give a colour to the arbitrary act by which the corporation was dissolved. We cannot however say that no abuse has attended the administration of the same property since the corporation has been dissolved. Its dissolution is thus recorded.

" They received an intimation from the Governor at the close of the year 1829, that it was his majesty's intention to revoke the charter, and they were directed to suspend any further proceedings ; and no further lands were granted to them. In consequence, however, of an official error, the mode by which it was first proposed to revoke this instrument having been ineffectual, it was not until the 4th of February, 1833, that the charter was actually revoked.

" If it be at this day inquired how that change of purpose came to be entertained, it would be difficult, perhaps, to assign any more satisfactory cause, than a yielding to the clamour of avowed or secret antagonists of those institutions, which it was the object of the charter to support ; the very existence of which opposition from such quarters, should have shown the value of the objects assailed, and have rendered the purpose of those whose duty it was to support them more firm. No reason was, however, to be found in the institution itself."—p. 30.

Not only was this act void of any, even the slightest, pretext of justice or necessity, but it was carried into effect in a manner any thing but straight forward.

" The notification of the Right Honourable Secretary of State's (then Sir George Murray) counsel to his majesty to revoke the letters patent by which the corporation had been created, was conveyed to the Gover-

nor of New South Wales in a despatch dated 28th of May, 1829, (No. 213)."

And it is not a little remarkable,

" That Archdeacon Broughton, who sailed from England the day after that despatch bore date, having been, on the resignation of Archdeacon Scott, appointed Archdeacon of New South Wales, and as such vice-president of the corporation, and having been in constant communication with the Colonial Office during the four preceding months, *left England in entire ignorance* of the existence of any intention to revoke the charter. He arrived in New South Wales on the 15th of September, in the same year, and immediately entered upon his duties as Vice-president of the corporation, and on the 4th of December, the tenor of the above despatch suspending the further proceedings of the corporation was communicated."—p. 38.

Surely the Archdeacon, who could not be considered either void of a sincere desire to promote the temporal and eternal welfare of the colony, or without ability to assist the government in attaining this end, should at least have been informed that a change of so vital a nature was in contemplation, if not consulted as to its expediency, before this uncalled-for and baneful fiat was issued. It was uncalled for as things were going on well; it was baneful, for the good old epitaph applies here,

" Stava bene;
Per star meglio
Sto qui."

What are the facts? Let us bring the matter to a mere pounds, shillings, and pence calculation, and compare the expense of managing the orphan schools, which were under the control of the corporation, during its existence and since its dissolution. In 1826, when the corporation undertook their management, the average expense of each male child in the Orphan School was 13*l.* 5½*d.* a head per annum; females, 19*l.* 6*s.* 7*d.* From 1826 to 1832 the expense of this establishment gradually diminished; the male department to 9*l.* 8*s.* 10½*d*, the female to 8*l.* 12*s.* In 1833 they reverted to the superintendence of the government. In 1838 the expense of each male orphan had risen to 20*l.* 4*s.* 3¼*d.*, and of each female to 19*l.* 5*d.* It is not to be supposed that the corporation, in which the principal clergy were included, would adopt a lower system of management than the government. And thus we have brought the matter to what we may call a fair test; though it be the lowest which can be applied, yet is it one to which an economic government cannot certainly object.

An increase of expense, we have shown, has attended the dissolution of the corporation, but worse evils have resulted. Land, and flocks and herds made up the greater part of the property of

the corporation. Hence the schools were supplied with food at a cheaper rate than any contractor could do it. These were put into the hands of a paid agent, Mr. Henry Fisher. He seems to have had irresponsible power, and a striking warning is given by the result of his management. We cannot do bettter than state them in Mr. Justice Burton's words.

The usual New South Wales system had hitherto been adopted:

"the person in charge had a third part of the wool and yearly increase, as a remuneration for all the expenses attending them; and agreeing to deliver the males in good condition at the orphan schools without any additional charge, as they were required for the consumption.

"It was an object of the corporation, by the quiet and unexpensive increase of these, to create a revenue in aid of their other assets; and there is no doubt that, under similar management, they would have become as profitable to them, as similar stock was at the same period to other proprietors in the colony. It was the interest of the agent, however, by a speedy sale to increase the amount of the per-centage, upon which his emoluments mainly depended, and this he proceeded to do in a mode, which shows him to have been fully impressed with the value of turning them into money; and they were all disposed of by public auction, between the first of January 1834, and the 28th of March 1837, the wool and stock together having realized, between these dates, the sum of not less than..... £16,539 10 8¾

The proceeds collected by him between these dates, and for rents of lands 4,279 11 5½

Amounting to not less than £20,819 2 2¼

"The agent's commission of 5 per cent. upon all sums collected by him, constituted a new charge for management, which under the corporation had never been made; besides which, he received a small salary (150*l.* a year), and there were added the expenses of the persons actually in charge of the stock under the agent's superintendence, which were so greatly increased, as to amount between the 19th of November 1833, and the 30th of June 1836, to no less than 1,276*l.* 7*s.*; in fact, upon an account of sums acknowledged to have been collected by him within that period, the charges of agent's salary, his commission, the expenses of management, and the expenses of sales, amounted to 25 per cent. upon the sums collected.

"Mr. Fisher ceased to be the agent on the 28th of November 1837, and Mr. Macpherson, the clerk of the council, a highly intelligent, correct, and trustworthy gentleman, was appointed in his room, and on the same terms; but his collections can now only consist of arrears due upon the former accounts, and of the land revenues; the stock is all gone."—pp. 40, 41.

This speaks for itself; but what is the lesson to be drawn from it? Every reader of English Church History, who turns to Mr

Justice Burton's book, will doubtless draw a striking parallel between the Church and School Corporation and our endowed monasteries. The property of each was employed on a threefold object. The maintenance of the clergy, the support of the *fatherless and desolate,* and education. Violent and lawless confiscation was resorted to then as now; the abuses which were proved in a few instances were taken as a pretext to dissolve all the monasteries. Now not a shadow of a shade of a reason has been alleged. The spirit of the present day is opposed to the principle of corporations, and so they are abolished, though in this modern instance their utility has been proved. The property of the monasteries reverted to the king, and was squandered by his favourites. In one short generation hardly any of it remained. The curse of God was supposed superstitiously, as men would say now-a-days, to rest upon this ill-gotten wealth; but stubborn facts still remain. In the modern instance the last extract shows what one peculator has been able to do with the property wrested from a corporation, who had *ably,* and *wisely,* and *honestly* administered it. Here is a warning for us to beware in time, and guard against the spoliation of our collegiate and cathedral endowments. Their security has been shaken in the case of the Irish Church property, and it seems as though a pseudo-liberal government had been trying their *prentice hand* (alas! unnoticed) in this distant colony; the scene of their master-piece they doubtless intend to be England. But, thanks to Mr. Justice Burton, every Englishman may know what their master-piece would be; and so, if we will but bestir ourselves, we may consider Church property, for the present at least, safe.

Mr. Justice Burton proceeds in the following chapter to detail the measures taken by the government and the Church of England, concerning religion and education, on the dissolution of the Church and School Corporation. Here he states clearly the view which our great law authorities take of what is commonly called the union of Church and State. This phrase is in every body's mouth, and, as often happens in such a case, is rightly understood by few who use it. The State gains everything by this union;—it is christianized thereby. Few will fail to acknowledge this truth, though all may not be equally ready to see that the Church, as if to compensate for a doubtful protection, is a great loser by the implied bargain; the State with a sort of overweening self-conceit, which in an individual would be intolerable, too frequently assumes a patronizing air, and fails to recognize the true and eternal grounds upon which Church-membership rests, or to realize to itself the fact, that whilst human governments exist to day, and are gone to-morrow, we have the sure promise of

One, greater than man, that His Church shall exist even unto the end. The State therefore, under this delusion, acts as though it could unmake that which it never made. It fails to realize by faith the fact, which, unless history is like an old almanack, is true in this era as it has been proven in times gone by, that the word of God applies to states as unto individuals: "Them that honour me, I will honour; and they that despise me shall be lightly esteemed." 1 Sam. ii. 30. Ours may still be the blessing, but ours too, if we fail in our duty, must be the awful curse. The governor, in a letter to the Secretary of State, shows that his ideas on this subject are more vague than is common even in this very vague age—he assumes "that the *foundations* of the Christian religion were still to be laid, and that it rested with himself and the Secretary of State to establish it in any way or every way at will."

The passage in Mr. Justice Burton's book is so curious and at the same time so instructive that we must insert it entire at the risk of being thought tedious. The Italics are Mr. Justice Burton's.

"After making a statement of the amount of aid supplied by Government from the public Treasury to the Church of England, the Church of Scotland, and the Church of Rome, whereby the magnitude of the aid given to the former is contrasted with that given to the other two, the governor thus proceeds, 'a distribution of support from the Government of so unequal an amount as that which I have just described, cannot be sufficient to be generally acceptable to the colonists, *who provide the funds from which this distribution is made.* Accordingly, the magnitude of the sums annually granted for the support of the Church of England in New South Wales is *very generally complained of*, and a petition to the governor and the legislative council has been lately prepared *at a public meeting, and very numerously signed, praying for a reduction of this expenditure;* if the complaint be well founded, as *I confess I consider it to be, the recent dissolution of the Church Corporation* affords an opportunity for placing on an *equitable footing* the support which the *Principal Christian Churches in the colony may for the present* claim from the public funds; I would therefore earnestly recommend to His Majesty's Government, to take the whole case into their early consideration, and to adopt such arrangements, as may be expected to give general satisfaction to the colonists. I would observe, that, in a new country, to which persons of all religious persuasions are invited to resort, it would be impossible to establish a dominant and endowed Church, without much hostility, and great improbability of its becoming permanent; *the inclination of these colonists, which keeps pace with the spirit of the age, is decidedly hostile to such an institution:* and I fear the interests of religion would be prejudiced by its establishment. If, on the contrary, support were given, *as required, to every one of the three grand divisions of Christians* indifferently, and the management of the temporalities of their churches were left to themselves, I conceive that the *public Treasury might in time be relieved of a considerable charge,* and what is of much greater importance the people would become more at-

tached to their respective churches, *and be more willing to listen to and obey their several pastors.* It may be expected that in addressing you, Sir, on this occasion I should submit some specific arrangements *for your consideration.* I cannot without much diffidence proceed to discharge this duty, *but as I have reason to believe*, that the outline which follows is in unison with the sentiments of *many of the most intelligent of the colonists*, I have less hesitation in laying it before you.'

"'I cannot (the governor writes) conclude this subject, without expressing a hope, amounting to some degree of confidence, *that in laying the foundations of the Christian religion* in this young and rising colony, *by equal encouragement* held out to its *professors* in their *several churches*, the people of *these persuasions* will be united together in one bond of peace, and taught to look up to the government as their common protector and friend, and that thus there will be secured to the state, good subjects, and to society, good men.'"—pp. 48, 49.

This extraordinary letter, addressed to the Right Honorable E. G. Stanley on the 30th of September 1833, was unanswered for two years, and was at length replied to by the Right Honorable Lord Glenelg on the 30th Nov. 1835.

The reply is no less extraordinary. The plan suggested by the governor appeared to Lord Glenelg

"fully in accordance with his views on Church subjects in both its branches, in that which relates to the places and ministers of worship, or, as may be more briefly described, to *public religion*, and in that which concerns *public education*."—p. 50.

The principle, which may be seen in its full developement both in the letter and the reply, has since been carried out into action.

"'The magnitude of the sum annually granted to the Church (incommensurate, as it was, with the acknowledged necessity of the case,) is accounted as a burthen, and represented as a subject of well-founded complaint;' and 'a petition to the governor and legislative council, prepared at a public meeting, and very numerously signed, praying for a reduction of this expenditure,' is referred to in proof of it, but neither is that petition appended, nor is there any record amongst the printed votes and proceedings of the legislative council of its having ever been presented to or entertained by that body. Nor is there any statement as to the character and station in life of the persons who so numerously signed it.

"Were the clergy of the Church of England too numerous for the colony? they amounted at the time, to an archdeacon, and fifteen chaplains, and the additions which since that period it has been found necessary to make to their numbers (viz., up to March 1839 they have been increased to thirty-three, ten others have since sailed from England, and another is preparing to do so) prove that the only 'well founded complaint' was that they were too few. Were they extravagantly paid?—one only of the whole establishment, the archdeacon, received a yearly salary so high as 2000*l.*"—p. 51.

The other orders of the Clergy were paid on a still lower scale.

"As regarded them, there was 'no well-founded complaint,' and with respect to their remuneration, that of the highest did not exceed, or even amount to, that which civil officers of the same degree enjoyed, or to a sum more than equivalent to that respectability of maintenance, which 'it is the genius of Englishmen to delight to see the ministers of their religion enjoy;' it was not more than enough for one, upon whom the public and private claims of charity were necessarily many; and was less than enough to afford promise of providing for a family; whilst, with respect to the rest, there was scarcely a police magistrate not better paid. Wherefore then, and from whom, was the complaint? and it can only be answered, that it came only of enmity, and was heard only from enemies to the Church of England, and these neither numerous nor important, nor 'amongst the most respectable and intelligent of the community.'

"By a 'dominant and endowed Church' must, it is presumed, be meant the National Church of England, and when it is represented, that 'the inclination of these colonists, which keeps pace with the spirit of the age, is decidedly adverse to such an institution,' it must be understood as referring to and recognizing that spirit which influenced only the enemies of the Established Church."—pp. 53, 54.

Subsequent to this correspondence a local act was passed in 1836, the details of which are clearly analyzed in Mr. Justice Burton's work. Private subscriptions for erecting churches are met half way by a grant from the Treasury, and graduated stipends given to ministers, in proportion to the number of adult persons, who may declare their desire to attend church or chapel.

"The new act was followed by an increase in the number of ministers of religion of all persuasions, at once showing how great must have been the dearth before that period, and how readily additional means of religious instruction could be supplied, when the Government was disposed to sanction the addition."—p. 61.

"All the aid which has been given to the contributions of members of the Churches of England and Scotland in the increase of their clergy might have been afforded, and all the aid which in charity was due to those who could not receive religious consolation or instruction from communion with either church might have been given, and no established principle violated. This is the good which has been the result of the measure, and it has arisen from a change of purpose in those with whom rested (under God's Providence) the supply of religious means, and might have been effected without a change of principle.

"The evil has consisted in that change, and in admitting much which is false religion to an equal encouragement with that which is true, and this is purely the natural and necessary result of the measure."—p. 62.

The evil all lies at the door of the Government, whilst they can claim but little of the good brought about. The governor and Lord Glenelg alternately congratulated each other on the success of this their scheme; but the good effected will be

"found under Divine Providence to have originated in the pious and never wearied zeal of Archdeacon Broughton, the present Bishop of

Australia, in the encouraging and truly disinterested liberality evinced by the two Church societies in England, the 'Society for Promoting Christian Knowledge' and the 'Society for Propagating the Gospel,' towards their brethren in Australia, and lastly in the zealous and affectionate attachment of the people of New South Wales themselves to the National and Apostolic Church. The religious principles, thus manifesting themselves in active exercise on the passing of the local act, were the growth of years, of childhood, youth, and manhood, spent in blessed communion with the Church of England, and waited only for an opportunity to display themselves. Whether or not that act had passed, the time had arrived when they could no longer have been repressed by any discouraging circumstances."—p. 63.

In the year 1829 Archdeacon Scott resigned his charge, and Archdeacon Broughton was appointed his successor.

What will those clergy of our Church, who live quietly at home in all the comforts of a country parsonage, say to the following vivid account of the duties performed by their brethren in Australia. At all events it will excite their sympathy, will call upon them, in language which cannot be misunderstood, to come over and help them, and warn them not to be led by their present feeling of security to lose that hardiness, which alone qualifies them for enduring whatever may still await them as the sworn and devoted soldiers and servants of Christ.

"Both of these dignitaries performed the ordinary duties of the ministry in addition to their own peculiar functions, and by them, and the clergymen under their superintendence, as much was done for the spiritual instruction of the people as could possibly be performed.

"A schedule of ordinary duties divided amongst the clergy at that time will exhibit this to a certain extent, but is a faint outline of the actual amount of their labours: to form an adequate conception of which, there must be taken into account the numerous important duties attached to the clerical office of visiting the sick, and in Sydney, particularly, the constant call every hour for the clergyman's assistance in some charitable or religious association, which derive their chief support from the voluntary labours of these invaluable men.

"With respect to the country clergymen, also, should be taken into account, as forming no light part of their labours, the time necessarily occupied in travelling from place to place to perform their duties, with their limited means for travelling, and poor accommodations on the way, in a climate like that of New South Wales, especially during the summer season, when, without regard to the scorching sun, or the suffocating atmosphere of an oppressive sirocco, the humble minister of religion has to perform his journey at a fixed time, in order to meet his expecting congregation. A glance at the annexed schedule will show, that no clergyman performed a single duty; none rested at his post; but the whole were so disposed as to occupy the widest field, to afford the greatest possible increase of religious reproof, instruction, and consolation to those at a distance; and that all were actively so employed; a single

glance will also show their inadequacy to produce more than a passing impression upon those who heard them; since all that the best arrangement, and the most active exertion, could accomplish, was to perform the rites of religion, in some places indeed every Sunday, but in others only *occasionally*, and *monthly* and *half-yearly*."—p. 65, 66.

"To procure assistance in so unequal a contest with the evil that was in the colony, the new archdeacon temporarily left his charge in March, 1834, and visited England; there his exertions were unceasing; but he failed for a season in the fruit of them, and he had the mortification of returning to New South Wales unaccompanied by a single clergyman. 'This was owing to the refusal of his majesty's government to sanction *any allowance towards the expense of the passage, or residence, or means of support for any additional clergymen*.' "—p. 66.

"'This determination, apparently, arose from an impression prevailing (whence originating, it is useless to conjecture) that the inhabitants of this colony were opposed, or at least indifferent, to an extension of the ordinances of the Church of England.' "—p. 66.

"He returned, therefore, to the colony alone, a Bishop to preside over a Church thus destitute of clergymen for the due and decent performance of her ministrations."—p. 66, 67.

Mr. Justice Burton, who, as we have said above, enjoys the friendship and possesses the perfect confidence of the Bishop, spoke thus of the Bishop's return to the colony, at a public meeting of the four Church Societies, which are embraced by the Windsor and Eton Church Union Society.

"I myself then (*i. e.* before 1834) saw a church without a Bishop, and I trust in God I may never see it again. I have seen many missionaries arrive in Australia with the truest motives, the best intentions, and the most ardent zeal, crippled in their powers, and at discord among themselves, for want of this presiding and controlling power."

Mr. Justice Burton spoke thus, at the same time, of the inestimable benefits which accrue to the Church at large from episcopal government. He speaks from experience of the most convincing yet painful kind, viz. experience drawn from the contrary evils.

"No tongue can tell the good that has sprung from the unwearied labours of that blessed man, Bishop Broughton. In the year 1835 he came to England for consecration. I saw him return, unattended by a single clergyman to aid him in his labours, and without any hope of procuring them. I saw him leaning on his staff, as if sinking under the weight of the burden which he voluntarily, for the glory of God, had taken upon himself. But I also saw him at his enthronement raise his tearful eye to heaven in humble dependence upon a higher power for that support and assistance which he knew not where to find from the hands of man; and, doubtless, his prayer was then heard."*

One main cause of the destitute condition in which the Bishop

* Extracted from the Windsor and Eton Journal.

took possession of his diocese, was the refusal of the government to pay passage money for clergymen of the Church of England. It is passing strange, although on Mr. Justice Burton's testimony we are bound to believe it, that during four years only one sum of 150*l.* was paid as outfit and passage money to one clergyman of the Church of England, whilst during one year, 1835, the sum of 1000*l.* was paid to nine popish priests for this purpose.

The Bishop, during his sojourn in England, interested the Society for Promoting Christian Knowledge, and that for the Propagation of the Gospel, in the welfare of his future diocese. They respectively placed the sums of 3000*l.* and 1000*l.* at his disposal. The boon was received with thankfulness. This was not only felt, but shown in the establishment of a Diocesan Committee of the two Societies, whose first care was to build additional churches. In the words of their own report,

"it must afford an occasion of devout thankfulness, not unmingled with astonishment, to reflect, that in a territory which, at a distance of less than fifty years, was wholly unoccupied but by its own uncivilized natives, without even an attempt having been made to form any European settlement, there should be at this moment in contemplation the erection of thirty-two additional churches: towards each of which a considerable subscription has been made; several being in rapid progress, and the remainder delayed only in consequence of the want of mechanics and workmen to undertake the buildings."—p. 69.

This Committee has also been highly useful in testing the *accuracy* of the report, which the governor forwarded to headquarters, of the ill feeling which prevails towards the Church of England as an Establishment, and which was used as a pretext for the dissolution of the Church and School Corporation above noticed.

"That whatever regret the Committee may have experienced at the prevalence of an impression *which never had the slightest foundation in fact*, and which, if it had continued, must have proved fatally obstructive of the progress of religion, they are gratified in finding that it has been completely dissipated by the occurrences of last year, on the arrival of the Bishop of Australia; and they have received with the utmost pleasure information of a letter having been addressed to his lordship by the Under Secretary of State, Sir George Grey, engaging on the part of government to grant the usual allowance for passage-money to clergymen, who should be recommended to fill the benefices now in course of establishment in this diocese."—p. 70.

Through the instrumentality of this Society upwards of 13,500*l.* has in one year been consecrated to Church purposes. The Bishop's Report, addressed to the Committee in 1837, is highly interesting. It shows that however onerous the duties of our Prelates may be at home, the labours of the colonial Bishops will

not appear light by comparison. The kind spirit, in which he was everywhere received throughout his extensive visitation, affords a good commentary on the *dislike*, though we believe this is a milder term than that used in the governor's despatch on the dislike which the colonists entertain towards a *dominant* and *established* Church.

"Finally, I am bound to acknowledge the personal respect and kindness with which I have been invariably treated throughout the entire extent of the progress which I have been now detailing. This acknowledgment I am not only bound to make with individual gratitude, but I am proud and thankful to make it under a persuasion that it is attachment to the ministry which I exercise that has influenced the inhabitants generally in affording me so honourable and gratifying a reception. It is my earnest prayer to God, that He will bless them with all temporal and spiritual benefits, and that, in the extension of the latter, He will be pleased to make the Diocesan Committee an instrument for maintaining pure principles, and a corresponding practice, among the people of this land, for the sake of His only Son, our Redeemer, Jesus Christ." —pp. 73, 74.

The Committee of the Church Societies paid the expenses attendant on the passage of clergymen to the colony, which the government had refused to do. Their Report exhibits a pleasing picture of the working of our great Church Societies; it is a picture taken in the most favourable light—it shows that those who have never seen each other's faces, or heard each other's names, may be united together as brethren by the bond of high and common interest, on the basis of well-defined Church-membership—it shows none of that party strife, that idolization of self, and clashing of individual intellects, which, in the eye of every reflecting clergyman, mar the operation of these societies at home, even if he be not led to think their evil predominates over their good, and so even to withdraw his support from them altogether. Church Societies are comparatively of *modern invention*—have only sprung up as a palliation of the evil which has arisen from our forgetfulness of the true principles of Church union. Will the day ever arrive, (we trust in God it at length will, though at present it seems far distant,) when Christians will again see that Bishops and not Church Societies are the legitimate organs of communication between all men who hold one faith; when, in accordance with the practice of the early Church, some future Bishop of Australia will communicate freely with the Bishops of his father-land; nay more, when all the Christian Bishops of the world will commune together on that which concerns, vitally concerns, their common interest? Whilst however, the liberality of our Church Societies has done so much for

this colony, private munificence has not been idle. Mr. Justice Burton thus records as active and successful an instance of Christian zeal, directed by Christian prudence, as was ever applied to such an object:—

"It was communicated to the Diocesan Committee, and the intelligence was received by every Christian heart with the warmest emotions of gratitude, that 'at a time when so many demands of so pressing a nature were being made on well-disposed persons for contributing towards religious purposes at home,' 'an appeal to the friends of the Church of England in behalf of their brethren in Australia,' had been put forth by one whose heart must have been warmed by a purely Christian zeal, and responded to in a like spirit, since, in a very short time, a voluntary subscription to the amount of not less than 3,000*l.* was raised by those who for the most part never beheld our faces, who have no knowledge of us, but that we labour under a dearth of the appointed means of grace and salvation, nor motive to exert themselves in our behalf except that we may 'prosper and be in health.' In the highly interesting list of subscribers which accompanied this notification, it was with many an expression of thankfulness that one or other of those to whom this beneficence of their friends in England was directed, saw written the name of a tender relative or a friend, and rendered thanks to God not only for the life still preserved of those who had been long dear to them, and of which this was a witness, but also for the grace which breathed in their gifts of love. In that honourable list they saw the foremost, His late most Gracious Majesty King William the Fourth* and His Majesty's Royal Consort, bishops, judges, and friends, whose names remain recorded in the Church history of Australia, as thus generously manifesting their Christian love in the hour of that Church's need." pp. 76, 77.

The sum thus raised was placed unreservedly at the disposal of the Bishop. It was fettered by no condition whatever; his superior means of knowing where the wants of his diocese were greatest was a sufficient warrant, to say nothing of higher motives, for leaving it freely at his disposal. God, whose servant he is, and He alone, fully knows the good which has resulted from this act of confidence,—an act most worthy of imitation by all devoted Churchmen. Would we follow up our prayers for our Bishops by such acts, placing filial and free confidence in them, God's blessing would, we may hope, descend in more abundant streams upon the Shepherds whom he has appointed to feed his flock as well as upon us whom he has committed to their care. The foundation of a noble theological library has also been laid, mainly through the exertions of the same clergyman alluded to by Mr.

* His Majesty presented services of communion plate for St. Andrew's and St. James's Churches, Sydney, 210*l.*; the amount of this gift is independent of the above sum of 3,000*l.*

Justice Burton; the delegates of the press at each of our universities Granted a complete set of all their theological publications which they had in stock. By means of this munificent gift, and liberal donations from private individuals, the Australian Clergy will not be without the means of consulting the works of holy men of old, whom God, we believe, raised up to direct them as well as ourselves in the narrow path, "to be a city set upon a hill, a light which cannot be hid."

The 4th Chapter gives a clear and full account of the proceedings of the government, on the dissolution of the Church and School Corporation, relative to education. Education is rightly viewed, not as secondary to religion, but as strictly in union with it. This union is requisite in order that both may produce good fruit.

"Religion itself, without education, having a tendency to superstition; and education, without religion, producing little besides the vanity which exalts itself against that which is 'written.'"—p. 78.

Childhood in man extends through a longer portion of his existence than in any of the lower animals, and we are therefore bound to look for the purposes of God in this His dispensation. A child is subject to his parents during that period which is requisite for the formation of his habits as a moral and intellectual, above all, a religious and immortal being. A Christian parent will bring up his child as a Christian; but we should do great injustice to Mr. Justice Burton's argument unless we quote the following passage entire, in which he draws a striking analogy between the duties of each individual parent, and the State, the common parent of us all.

"The influence of the parent extends only on that little system of which he is the centre, and in this, his power is more supreme than that of the State in the larger circle, which embraces within its limits all the families of which it is composed.

"The State, however, in some measure, stands in the relation of parent to all the children within it. It may not, indeed, have the same power over particulars which is delegated to the parent. But it has the same duty in a general sense. Like the parent, it becomes the State to determine 'whom it shall serve,' and having made this determination upon sure and solid grounds, it cannot, it is presumed, be doubted that its duty is, like that of a parent, to teach that which itself receives as truth to the children of the State. If the State have determined that all religions are equally true, or equally false, it will probably not interfere in the education of its people; but will leave each to the support of its individual professors, or it will afford equal support to all, upon some other principle than that of caring for any of these things. But if the State have determined that one religion only is true, then it is maintained to be the duty of the State, as it is of the parent, to teach that

religion to its children, and the State can no more justify the teaching of that which is false, than the parent; nor can any more be required of it, than of the parent, who is only called upon to provide for his children those things which he knows to be good for them, and is not bound to consult every fancy of a wayward child."

"Happily by the English constitution, this question has been determined, and the State is Christian; and not only so, the religion of the State or the national religion is also in all parts of the United Kingdom, excepting Scotland, that of the Reformed Protestant Church of England; and in Scotland that of the Reformed Protestant Church of Scotland.

"The question would thus appear to have been determined as to the duty of the State in the education of its children.

"The colony of New South Wales was however established upon a narrower principle than this; it has been already shown, that in that establishment the claims of the Church of Scotland to a participation with the Church of England in the support of the State were not admitted.

"But the National Church of England, and education in accordance with the principles of that Church, were alone the objects of provision, and so continued, with a slight exception in favour of the Roman Catholics, until the period at which that correspondence took place between the Governor and the Secretary of State for the Colonies, which has been already referred to on 'the subject of religion,' and which must again be adverted to in this place."—pp. 79, 80.

The governor in his despatch, 30th September, 1833, gives an account of the then existing schools, the Male and Female Orphan School, which, on his own showing, *were essentially* Church schools.

"In both of these schools the children are brought up exclusively in the doctrines of the Church of England. As they are received at a very early age, and those who are not orphans in the strict meaning of the term are for the most part deserted or neglected by their parents, it is proper they should be so brought up."—p. 81.

The King's School at Paramatta, at the head of which is a clergyman of the Church of England, seems to answer to the middle and commercial schools which are now being brought into connection with the National Society. The primary schools, which correspond with our parochial schools, are situated in various parts of the colony, and were attended upon an average by 1248 children of both sexes.

"These are *superintended by the chaplains, and in all of them the Catechism of the Church of England* is taught; and although children of other persuasions may and do sometimes attend these schools, they are necessarily considered as belonging to the *Church of England.*"—p. 82.

"The sum of 800*l.* has been voted for Roman Catholic schools for

the year 1834. You may thus perceive, sir, the great disproportion which exists in the support given by the State to schools formed for the use of different denominations of Christians in the colony—a disproportion not based on the relative numbers of each, *but guided, it would seem, by the same principles which have regulated the support afforded to the different churches.* It is a subject of very general complaint."—p. 83.

Thus the governor acknowledged that, at the time he wrote, the Church System of Education was actually established. It was not a question about the adoption of this or that system, but whether the one which the colony had derived from the mother country, together with its Church Establishment and its laws, should be destroyed to make room for an untried, all-embracing, or rather no-religion plan of education. The following is the governor's suggestion.

"In the place of the primary schools (the governor writes) *I am inclined to think* that schools for general education of the colonial youth, supported by the government, and regulated after the manner of the Irish schools, which, since the year 1831, receive aid from the public funds, would be well suited to the circumstances of this country. I have not the parliamentary papers to refer to, and cannot give these schools their proper designation; but I allude to those in which Christians of all creeds are received, where approved extracts from the Scriptures are read, but no religious instruction is given by the master or mistress, such being imparted on one day in the week by the ministers of the different religions attending at the school to instruct their respective flocks. *I am certain that the colonists would be well pleased to find their funds liberally pledged to the support of schools of this description.*"—p. 83.

The answer, which, as our readers will remember, it took two years to concoct, thus touches on this subject.

"In respect to education generally, it follows from the principles already laid down that some plan should be adopted for the establishment of schools for the general education of youth in the colony, *unconnected with any particular church or denomination of Christians*, in which children of every religious persuasion may receive instruction. This object it is proposed to effect, not by the exclusion of religious instruction from the school, but by limiting the daily and ordinary instruction of this nature to those leading doctrines of Christianity, and those practical duties, on which I hope all Christians cordially agree.

"*The peculiar tenets of any church ought to find no place, as such, in these general schools;* but opportunities should be afforded, at stated periods, for the imparting of instruction of this nature to the children of different persuasions, by their respective pastors. Such is the plan of National Education which has recently been adopted in Ireland, and, as I have reason to believe, with considerable success, notwithstanding some peculiar obstacles arising from circumstances not likely, as I trust, to exist in the Australian Colonies. This plan will require the forma-

tion of a Board of Education, composed of members of different religious denominations."—pp. 84, 85.

A Board is to be organized, and extracts to be made from the Holy Scriptures. The Board is to receive for its information and assistance various documents relative to the system of National Education in Ireland, and also a Report of the Foreign and British School Society, which is conducted on *very liberal* and *comprehensive* principles, and the legislative council must be left to itself to frame a system, a work which is now-a-days thought as easy by our rulers as a child does the construction of a many-storied card-house, to which also in stability these new systems will in a few years bear no slight resemblance. They are to be left to fall into those dilemmas, and what is more, to get out of them as they may, which, as regards Irish education, are so admirably exposed in the Memorial of " Thady Brady to the Commissioners of National Education, Marlborough Street, Dublin."

Thady Brady was appointed Master of the National School of Kilmegranny, county Clare, having been recommended by the Rev. Eustatius Finnerty, P. P., the Protestant minister, Mr. Pleasall, having joined in the application for building the school. The memorial of Thady Brady is doubtless known to all who are at the present moment regarding with an observant eye the conflict between the several systems of education, each striving to take the place of that which Christ, in his last charge to his disciples on earth, himself instituted,—which has come down to us of the present day unconquered, if not unattacked, and which will, with God's blessing upon it, remain, we believe, together with His Church, unconquerable to the end of time. *" Go ye therefore and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost, teaching them to observe all things whatsoever I have commanded you: and lo, I am with you alway, even unto the end of the world. Amen."* Matt. xxviii. 19, 20.

In these two verses is contained the germ and rule of all education. We have here expressed, as in a summary, who are to be taught—all nations; who are to be the teachers—Christ's apostles and their successors; what they are to teach—all that they are commanded; how they are to teach it—referring to baptism as the beginning of Christian training; and the sanction which is to give effect to their teaching, " Lo, I am with you alway."

The governor, in his despatch, states boldly that the primary schools are of small importance; that the King's School at Paramatta, which we have stated to be a commercial or middle school, is comparatively useless, and that the colonists object *in toto* to

the exclusive system of Church education, which he allows obtained in the colony from its very first foundation. But do facts bear out this bold statement?

"The children of the wealthier classes are neither exclusively nor chiefly the objects, or the inmates, of the King's School; together with the children of magistrates and professional persons of various degrees of pecuniary competency, by whom, it is presumed, are meant the 'wealthier classes,' are to be found in far greater proportion the children of other persons equally respectable in their various classes of life, but having no pretension, and making none, to be ranked as an aristocratic class in the community; children of government servants, merchants, tradesmen, innkeepers,—in fact, of all who are desirous of extending to their children the benefit of sound learning and religious education; and whilst the education of the children of those who from actual poverty require gratuitous aid, is acknowledged to be 'a sacred and necessary duty,'—are these, it may be asked, who in future days may be called, perhaps, to serve the queen and her people as magistrates, and jurymen, and legislators, and in various offices of the State which are open and accessible to them all, no objects of the State's solicitude, or their education in accordance with the principles of the English constitution and the national church so little worthy of regard, as not to merit the encouragement which has been already given—that slight assistance, at present coldly extended to this interesting establishment? When it is taken into consideration, too, that our happy constitution comprises the monarchy as well as 'the people;' that the Church of England inculcates as a conscientious duty, loyalty to the queen, and submission to the powers that be,—principles which in a part of the queen's dominions so remote from the seat of government may otherwise chance, in the rage of democratical opinions, to be discarded."—pp. 87, 88.

Again, as regards the primary schools, Mr. Justice Burton thus speaks:

"But the greatest inroad upon those principles which connect the Church of England with the national education, was apparently contemplated in that which follows, viz. the entire separation of the parochial schools (or 'the primary or parish schools,' as they are called by Sir R. Bourke) from that Church, and from that superintendence of its clergymen, which had formed an essential part of the system from the foundation of the colony."—p. 88.

Lastly, is there truth in the sweeping assertion, that the Church and Church Schools are viewed with jealousy and dislike by the colonists? Even if it were so, this would by no means justify a Christian government in abandoning a principle which they believed to be true, simply because it has become unpopular.

"Mr. Wentworth, in his account of the colony published in London in 1824, makes honourable mention of the principles upon which they were conducted. The whole passage is worthy of particular notice, not

only as to the number of these schools then existing, but as to the principles upon which they were conducted, their 'value and importance,' and the estimation in which they were held by the colonists; as to whom, with a singular coincidence of expression, but used by Mr. Wentworth and Sir R. Bourke in a sense diametrically opposed; it is stated by Mr. Wentworth (himself no mean authority in matters of popular opinion), 'this is one of the ways, too, in which the colonists do not complain that their money is applied.'

"In every part of the colony and its dependencies (Mr. Wentworth writes) it is in the power of parents, however circumscribed their means, to give their children a good plain education; that is, to have them taught reading, writing, and the elements of arithmetic. For this purpose, public masters, who receive stipulated salaries from the police fund, are distributed through the various districts, and keep day schools, at which the children of the poorer settlers attend, and are instructed, either gratuitously, or for a very trifling remuneration, as the circumstances of the parents may allow. In different districts of the county of Cumberland alone, no fewer than *ten* of these schools are now in activity. Independently of which, there is also, at Liverpool, a male orphan school, instituted by Governor Macquarie, where a hundred poor boys are wholly supported and instructed *according to the national system.*"—pp. 89, 90.

Again, the same gentleman states that

"Besides these schools, there is one on a much larger scale in a state of forwardness. It was begun by Governor Macquarie in March 1820, and is to be called after his late majesty (King George III.), the Georgian Public School.* When completed, it will be capable of containing five hundred children. It is to be exclusively devoted to the children of the poor, *who are very properly to be instructed on the national system; a system which is doubtless the best fitted of any that could be employed to impart to the lower classes of the rising generation, at one and the same time, principles of religion and habits of industry; and thus to lay the foundation of their future happiness and prosperity.* To support these various public schools, *one-eighth of the whole revenue* of the colony is at present appropriated. This portion of it may be estimated at about *five thousand pounds, which it must be confessed could not be devoted to the furtherance of any object of equal public utility. It is to be hoped, therefore, that in proportion as the* fund set aside for this purpose increases, a still more liberal and enlarged system of public instruction will be organized. In a community compounded as this is—of elements so heterogeneous, depraved and demoralising,—it is a duty peculiarly incumbent on government to encourage, as far as they can, the early separation of the children from the parents: and no motive, of course, will be found so influential with them as to relieve them at once from the burden of providing for their children's maintenance and education. The method here proposed, it must

* It is to be regretted that this benevolent and truly patriotic plan of Governor Macquarie was abandoned, by *orders*, it is understood from *home*, founded upon the recommendation of the Commissioners of Inquiry.

be conceded, is costly; but it will be remarked, that the expense attending it is defrayed by the colony itself, not by the parent country. *And this is one of the ways in which the colonists do not complain that their money is applied.*

"It has been already shown, that at the time of the corporation taking charge, there were fifteen primary or parochial schools; and in the year 1833, at the date of the governor's letter respecting them, they amounted to the number of thirty-five.

"It is also a fact worth recording, that all the conductors of these schools, of which Mr. Wentworth thus wrote in 1824, with only one exception, were still employed in the same capacity in 1833, and so continued at the commencement of the year 1839.

"As a proof of the effects of these schools, the Bishop of Australia thus wrote in July 1836 to the secretary of the Society for Propagating the Gospel:—'I have received from *one master* a list of the *names of* 120 *of his scholars*, who are now settled in respectable stations in life, and have most of them families growing up in habits of piety and good order; and so proportionably in many other instances.'"—pp. 91, 92.

The working of these schools has been found to be pretty much the same in the colony as in the mother country; the *exclusive* principle on which their opponents state the system to be based has led few parents to keep their children away; and this evil, if evil it be, vanishes into nothing when compared with the dilemmas into which those fall, who adopt what they call a more liberal scheme. The Church, firm in itself, has a definite mode of instruction; every one knows what he may expect to find there, whilst those sciolists in education, who profess to receive all, to teach general religion to the whole school, and special religion to each individual, do not, for happily they cannot, carry out their own principles. This we might show from their own publications.* They admit Unitarians and Socialists; AS SUCH they teach them the GENERAL principles of religion, in which (query, what are they?) they agree with the Church; but they do not, *for happily they cannot*, teach them the peculiar doctrines of Socinians and Socialists! On their own principles they are convicted of a grosser act of injustice than any with which they charge the Church national schools.

The Diocesan Committee of the Australian Church Societies reports thus:—

"The Committee have been informed, as the result of inquiry properly instituted, that in every instance within an accessible distance from these schools in the country districts, there are few children deterred from attending them, where the parents have any sincere desire that *their offspring should receive instruction, and a very small proportion of those few*

* For instance, the report by Mr. Trevelyan, of the Liverpool Corporation Schools. We hope to enter into this question more fully on a future occasion.

it may be said are kept away from the schools by religious scruples, on account of the tenets taught in them."—p. 93.

We have seen the different views which Churchmen in Australia, and the self-styled liberal party took of the Irish system of education when it was about to be forced upon the colony. Let us now briefly notice the conduct of each, when the one hastily forced the measure, and the other firmly, yet respectfully, protested against any such experiment.

" On the 2d of June, 1836, the governor opened the sessions of the legislative council with an address, of which the following is an extract :—

" 'To encourage and satisfy the prevailing desire of obtaining knowledge, and to extend the blessings of wholesome education to the poorer classes of society, it becomes necessary to introduce a system of general instruction for the people of the colony. *The primary schools, as formerly established, are not calculated to effect any extensive benefit ;* a more comprehensive arrangement is required in the present state of the colony. I have therefore great pleasure in being now enabled to lay before you an important communication from the Secretary of State for the Colonies, intimating the desire of his Majesty's Government that provision should be made for the religious instruction and general education of the people of New South Wales, upon a liberal and comprehensive basis."—p. 94.

" No sooner was the plan proposed, than Protestants of every denomination throughout the colony simultaneously viewed it with disapprobation, concern and alarm. The Bishop's arrival took place a few days after the opening of the council, when he was installed into his sacred office. His arrival at a moment so opportune was hailed by the Protestants as promising, through him, that consideration in the legislative council of their objections to it which they desired.

" The archdeacon, it was known, had a seat in that council, and it was understood, that although the archdeaconry was abolished, and a bishopric erected in its stead, that the new Bishop was to occupy the same place. It happened, however, and it cannot but be considered as a singular coincidence, that *by an official neglect at the office of the Secretary of State for the Colonies. the new patent for the council, including the Bishop as a member, was not forwarded to the colony ; so that the Bishop was excluded from his seat in council during the whole period of this matter being in discussion before it.*"*—p. 95.

Thus Churchmen, by a strange mistake, to say the least of it, had less opportunity to declare their sentiments, through their legitimate head, in this sessions of the legislative council than in any preceding one.

* Upon a representation of the omission being made to the Secretary of State, it was rectified, and on the 26th of June, 1838, the Bishop took his seat at the council board.

The opponents, therefore, of the new system of education had nothing to do but to rally round their Bishop, and a numerously signed petition was presented against the proposed measure; another was sent in from the Bishop himself; and a third

"Praying that the subject of education might be referred to a committee of the council, with instructions to receive evidence from members of every denomination of Christians, in order to ascertain whether the general feeling of the colonists be in favour of the system of education proposed to be established."—p. 96.

This surely would have been a fair and impartial way of arriving at the truth, if truth had been the object sought, had it not been determined to make an experiment on a large scale of a new system of Education, however unwilling the parents of the children on whom the experiment was to be tried might be to their being made the subject of it. They themselves declared they were so averse—the governor declared they were not; they offered to produce evidence on the subject—the council refused to hear it: with which side then is it most likely the truth rested? The motto "experimentum fiat in vili corpore" seems to have been that upon which the governor acted, though the children of none for whom Christ died, not even the children of transported convicts, should be considered so little worth as to be made the subject of such an experiment, in the face of earnest remonstrance from those to whom their spiritual welfare is entrusted; but a precedent was wanted for the introduction of this liberal system of education into England, and so the colony was to be made the scene of the first trial. How *great* attention was paid to the several memorials, will at once appear from the following extract.

"All these petitioners were at once answered by a resolution passed in the council on the same day, which appears in the votes and proceedings of council in the following terms:—Motion made and question put, that the sum of 3000*l.* be appropriated towards the establishment of NATIONAL SCHOOLS. Council divided—Ayes, 8, Noes, 4. This was indeed followed by another resolution, which would appear (for the proceedings of council were with closed doors. 'Motion made and question put,' the number of ayes and the number of noes being all the information given at that time to the public of the proceedings within,) to have been intended as a concession to the conscientious scruple of some wavering member or members, which, judging from the result, required but little to allay it, viz.:—

"Motion made and question put, that it is the opinion of the council, that at the *national schools*, for the establishment of which *a sum of money has been now appropriated, a chapter from the authorized version of the New Testament shall be read at the opening of such schools, on the first*

morning of the week, to those Protestant children in attendance. Passed without a division.

" That appendage is however valuable, as showing *how little was intended to be conceded in the new system to the conscientious scruples of the Protestants.*"—pp. 96, 97.

It seems strange that the council, whilst they tried to force on Churchmen a system of education to which they were conscientiously opposed, should at the same time " steal our good name," National Schools.—We were really, on first reading this passage, in some doubt whether the council had not met, and by some strange dementation voted a sum of money for that system of education which they had avowedly wished to destroy. But the protest of four honourable members, all advanced in age, and of undoubted piety, sets the matter at rest. We cannot help extracting it, though it be somewhat lengthy, since it is a perfect model for all who love the Church, and are determined to support her system of education as the only true one, whenever the attempt is made to force on us a new system of education by the power which the House of Commons claims to vote money for such purposes independently, uncontrolled, and even against the wishes of the other parts of the legislature.

" We protest against the appropriation of 3000*l.* for establishing schools on the Irish system for the following reasons, viz. :—First. Because the proposed measure is at variance with that part of L d Glenelg's despatch, in which his Lordship observes, ' Persuaded, aor am, that education founded on the Scriptures is the best calculated to produce those permanent effects, which must be the object of every system of education, I should wish that it may be thought practicable to place the whole of the New Testament, at least, in the hands of the children: but, at all events, I hold it to be most important that the extracts in question should be of a copious description.'

" Second. Because the extracts from the New Testament, sanctioned by the Board of Irish Commissioners, are neither copious nor genuine transcripts of the authorized version, and are not sufficient in themselves to constitute, as desired by his Lordship, ' a system of education founded on the Scriptures, and placing the whole of the New Testament in the hands of the children.'

" Third. Because that assurance has not been fulfilled, which is expressed by his Lordship, when he says, ' I feel assured that I may safely leave to you and the legislative council the task of framing, on these principles, *such a system as may be most acceptable to the great body of the inhabitants*, and at the same time most conducive to the important end in view.' Because, *in a matter vitally affecting the dearest interests of this Protestant community, a petition praying for inquiry, submitted by a body of respectable inhabitants, and supported by several members of council,* HAS NOT RECEIVED THE CONSIDERATION DUE TO IT, NOR HAVE THE

COUNCIL DULY DELIBERATED *upon the system to be adopted.* The petitions already presented, subscribed by upwards of fourteen hundred people, afford sufficient evidence that the system proposed is not acceptable to the great body of the inhabitants; and other petitions, now under signature, will give abundant proof that it is generally disapproved of by the colonists, and not likely to be 'conducive to the important end in view.'*"

"Upon such undeniable evidence it may surely be concluded that the Irish system of education was *not* suited to the circumstances of the colony, and that the colonists were *not* well pleased to find their funds pledged to the support of schools of that description."—pp. 98—100.

Such was the protest: it is satisfactory in itself, but still more as affording an example of what an united minority, united on common principle, may do in resisting the tyranny of an overbearing majority which has no such common bond of union.

"It is satisfactory to add, that the contemplated schools have not been established, and that recent expressions of Government afford promise that it will not be again attempted; whilst the measures which have been since adopted, particularly in the introduction of clergymen and schoolmasters of different denominations, render it now impracticable.

"The schools in existence in 1836 have been continued on the footing on which they then stood, whilst new schools have been since instituted, aided from the public funds, to the amount of the sums contributed by private individuals towards their support."—p. 100.

The fifth chapter details the progress of religion from 1833 to 1836. It is alas! necessarily a short one. This speaks for itself: and did not our limits compel us to be brief, we should in vain look for much to extract. One of the judges of the supreme court having in 1835, on closing the criminal sessions for that year, lamented the deficiency of religious instruction then still existing in the colony, his excellency the governor, in his dispatch to the Secretary of State on the subject of that address, thought to exculpate himself from the charge of neglect by alleging that

"considerable additions have been made to the ministers of the Scotch Church and the Roman Catholic clergy, supported wholly or in part by the public funds, whilst facilities have been given to Dissenters of various persuasions by grants of land upon which to erect their places of worship."
—pp. 101, 102.

Strange, passing strange is it, to use no harsher terms, to hear the governor of an English colony, where the national Church is still by law established, priding himself on such Church extension as this, whilst he makes no effort to widen the influence and increase the efficiency of the Church to which we in charity presume he belongs; though the mere fact of his being governor of the colony does not now, as it would in the days of our fathers, enable us confidently to assert it as a fact.

* The petition from the inhabitants.

" His Excellency could not enumerate any addition to the number of the Church of England clergy, or state that up to that time any minister of religion had been appointed for Norfolk Island or Moreton Bay, the wretched inmates in captivity at which settlements, exclusive of their civil and military establishments, having, at the same period, amounted to upwards of 1200 persons. In fact, no addition, in point of number, had been made to the clergy of the Church of England during the whole of that period, nor was any contemplated for the succeeding year."—p. 102.

In 1833, the estimate of the clergymen of the Scotch Church was one-third in amount greater than in the previous year; that for the Papists was more than double—

" whilst no addition was made to the number of the clergymen of the Church of England until the year 1837, and none authorized and recommended by the governor of the colony until after the passing of the new act, viz. in November, 1836; and in England that circumstance took place which was noticed in the report of the diocesan committee before referred to, viz. the return of the Bishop of Australia to his charge in 1836, without an additional clergyman; ' which was owing (state the committee) to the refusal of his Majesty's Government to sanction any allowance towards the expense of the passage, or procuring a residence or means of support for any additional clergyman.' From these circumstances, it would indeed almost appear as if it had been the intention, if not the recommendation of the Colonial Government, not to increase the establishment of the Church of England until each of these other churches should have arrived at an equality with it in every respect. Each was considerably advanced towards that equality, but especially the Roman Catholic, before the plan of the Colonial Government for the future Ecclesiastical establishment was promulgated in the colony. In the estimates for 1834 and 1835, the clergymen of the Church of England only exceeded the numbers of the Roman Catholic and Presbyterian clergy together by four; in the estimates for 1836, their united numbers were actually equal to those of the Church of England; and they possessed an advantage over the latter in the fact, that the newly introduced clergymen of both churches were younger men, and in the case of the Roman Catholics, under the jurisdiction of a bishop."—pp. 103, 104.

The additional number of Presbyterian clergymen whom the assistance afforded by the Government have enabled to proceed to the colony have not remained a united and harmonious body. A schism has taken place among the Presbyterians themselves, in which many of the new ministers have taken part, headed by Dr. Lang, " and this unhappily in a spirit and mode and upon principles which must have given pain to every Christian observer." Of what schism, we would ask, is not this true? and we can never sufficiently thank God for keeping our Church, both at home and in our colonies, from such hinderances to vital

religion; mainly, we believe, through the instrumentality of our governors the Bishops. Were their power increased, the differences and divisions which unhappily keep those apart who hold the same creed, and so should be brethren, would, we trust, under God's blessing, be seen no more. In the meantime, 1835,

"The expected arrival of the Bishop was certified in a 'Memorial of the lay members of the committee of St. Mary's Church, Sydney, in the name of the Roman Catholics of New South Wales,' praying that provision may be made for the support of the Bishop adequate to the dignity of his station."—p. 107.

"Since the above observations were written, and whilst they were in the press, the writer has seen a 'Charge delivered to the Clergy of the Diocese of Exeter, by the Right Rev. Henry Lord Bishop of Exeter, at his Triennial Visitation in the Months of August, September, and October, 1839," in which occurs the following passage:—'In February, 1835, Lord Aberdeen appointed four additional Roman Catholic chaplains for New South Wales, with an annual stipend of 150*l.* to each. One of these was Dr. Polding, who, like the others, 'was intended only to officiate as chaplain; but as it was subsequently considered advisable by the Church to which he belonged, that he should be permitted to exercise Episcopal authority, the sanction of the government was given to the arrangement.'—p. 27. Lord Aberdeen, however, was so fully satisfied of the unfitness of his being paid by the British Government in the character of *Bishop*, that in the despatch which announced the appointment to Sir R. Bourke, he distinctly said, that although his powers would be superior to those of the Rev. Mr. Ullathorne, who, as Vicar-General, received 200*l.* per annum, he '*was not prepared to sanction the augmentation of Dr. Polding's stipend*" even to that sum, unless Mr. Ullathorne were transferred to Van Diemen's Land. This being arranged, Dr. Polding was to receive 200*l.* per annum; but with a distinct intimation that no higher stipend would be sanctioned by the English minister. However, before Dr. Polding's arrival in the colony, a change of government had taken place in England—and immediately Sir R. Bourke scrupled not, in despite of the despatch from Lord Aberdeen, 'to take the advice of the council upon the amount of stipend which they would be willing to assign to Dr. Polding, if her Majesty's Government consented to enlarge it.'—p. 28. The council recommended 500*l.* per annum, which was proposed to the Government at home, and forthwith assented to, although it was in direct contradiction to the principle established five months before, and acted upon in all cases of the Church of England, that 'the amount of private contribution should be the condition and measure of public aid.'—p. 15. In this case there was no private contribution whatever."

"The application of the lay members of the Roman Catholic Church, praying for an allowance to be made to their expected Bishop, was laid before the legislature on the 14th of July, 1836, *but no such despatch as that alluded to by the Bishop was laid before the council.*

"In this event four things are remarkable; first, the assurance enter-

tained by the heads of the Church of Rome out of the colony, that it was in the ascendant in New South Wales; second, how correctly they had been informed of the recommendation which had been made in their favour and the grounds of it; third, that they enjoyed the opportunity of taking advantage of it before their Protestant brethren in the colony were aware of it; and fourth, that the memorialists attribute their fortunate circumstances to the governor."—pp. 108, 109.

An attempt has also been made by members of this communion to get into their own hands a portion of the orphan schools; against this, two very spirited protests were presented by two members of the council.

"I protest against the appropriation of 600*l.* towards the establishment of an orphan school for destitute Roman Catholic children for the following reasons:—

"First. Because destitute orphan children are the children of the State. Because the Protestant faith is the religion of the State, and it follows therefore that destitute orphan children ought to be brought up in the principles of the Protestant faith.

"Second. Because there are established in this colony a Male Orphan School and a Female Orphan School, in which such children as have been deprived of their natural protectors, or have been deserted by them, are maintained at the public expense, and brought up in the principles of the Protestant faith. "Robert Campbell."—pp. 110, 111.

The protest of Mr. Jones is in the same strain.

The next chapter is a long one, extending through upwards of 150 pages, and details the present state of religion and education in the whole colony; particulars cannot of course be intelligible without the excellent map which accompanies the work. It takes us, as it were, a fire-side tour through the length and breadth of the land, and will, doubtless, be highly interesting to all who have friends in the settlement, by enabling them to know the means of spiritual instruction, (alas! how small), which they enjoy. We shall notice but one part, viz. that which relates to Norfolk Island, and it is of most fearful interest. Norfolk Island is, as our readers may know, the Botany Bay of Botany Bay. We have there a fearful example given of the depth of misery and crime to which human nature can sink: we see it under an aspect the most fearful; we see what each and all of us might have been had not God's restraining grace interfered in our behalf, had not Christianity been sent from heaven to be the salt of the earth. The island

"in size does not exceed seven and a half miles in length, and four and a half in breadth. Its soil is extremely fertile, its climate healthy, its supply of water abundant, and it possesses all that natural beauty which renders the islands of the Pacific so attractive."—p. 253.

"The beauty of its hills and glens, and of its foliage, is remarkable, and the casual visitor is always charmed and delighted by the scenery of what, apart from the contemplation of the object to which it is assigned, might be deemed an earthly paradise. Nature has been profuse in her bountiful decorations, and thus the contrast is more striking between it and the use to which it is applied—between those beautiful works of the Creator which praise Him, and of men who praise Him not! But even in that use to which it is applied it might be expected that the soft beauty of the place should have its effect upon hearts not wholly hardened by the searing effects of vice. But so it is, that the wretched mortals who are doomed, some for a term and some for life, to labour during that period upon its soil, under strict surveillance and control, and the hours of whose repose are passed in the solitary cell, or in the guarded ward, associated with one another, evil men with men more evil—appear to gather no softening effect from the beauties of the creation around them, but to make a hell of that which else might be a heaven.

"It has been stated that Norfolk Island became a penal settlement of New South Wales in the year 1826; it was not until after the lapse of more than ten years, that its wretched inmates received any such reproof, consolation, or instruction as the Church gives to its members; they were, in the strongest sense of the term, souls 'cut off from the congregation of the Lord,' and delivered over to Satan. What wonder then if they became in temper, disposition, and habits, like to those whom he leads captive at his will, and their place of torment like his!"—pp. 254, 255.

Mr. Justice Burton visited this island in the year 1834, and found 130 prisoners in confinement on the charge of attempting to disarm or even murder their guard of 120 privates, and then to effect their own escape. The plot had well nigh succeeded.

"For their share in this offence, as principals and accessories before the fact, fifty-five prisoners were selected for trial by the crown officers, as being considered ringleaders, and against whom also, evidence confirmatory of that of some of the accomplices, who were admitted as witnesses, could be obtained.

"In the course of these trials, which occupied ten days, *eighty-seven different witnesses* were examined on the part of the prosecution and for the prisoners; many of the principal witnesses five or six times over, during which they underwent a course and mode of cross-examination by the prisoners, such as no advocate in the world could conduct; and revealed to the court a picture of depravity, which it may be asserted, no human judge ever had revealed to him before. This will be fully understood, when it is explained that some of the principal witnesses against the conspirators, were prisoners who had been concerned in the affair as deeply as themselves; that almost all of them were their fellow-prisoners; that they had passed days and nights together in confinement, so many as 120 in a single ward; that they had been intimately associated in the commission of other crimes of deeper stain; that their occu-

pation, and they had none of a holier kind, during the hours of respite from labour and those which should be given to repose, was the relation of crimes in which they had been engaged, or to which they were privy; no conspirator could desire a better knowledge of the character of his companions than was thus obtained; they proved indeed by their searching questions on cross-examination, and abundantly proved to the mind of the hearer, by the faint and downcast denial of the witness, that they were intimately acquainted with each other's thoughts, and words, and works; and each particular of these was appalling. But beyond all this, the unhappy prisoners themselves, when brought up, as they were in the order of their conviction, (and of the number tried, thirty were capitally convicted and received sentence of death), completed the abominable revelation by communicating to the judge, in earnest, deep, but calm expostulation, the crimes committed there, upon which, to be now particular, would not be meet; and he can therefore no otherwise describe the state of the island than figuratively, a mode of expression, however, which he does not believe to exceed the reality, when he says, that the picture presented of that place to his mind upon that occasion, was, of a cage full of unclean birds, full of crimes against God and man, murders and blasphemies, and all uncleanness.

"One of them, a man who displayed singular ability, and uncommon calmness and self-possession under circumstances so appalling to ordinary minds, represented it to be a 'hell upon earth,' and such assuredly it was, as far as the torment of that region is made up of the company of evil spirits glorying in evil deeds; 'Let a man's heart,' he said, 'be what it will when he comes here, his man's heart is taken from him, and there is given to him the heart of a beast.'

"He represented, and others followed him in the same course, that the crimes which had brought them there, were not of a kind which should condemn them to such a state:—that many of them had been decent men, possessed of means of support, and had wives and families in the world; and they were condemned to the same place of helplessness and despair with those whose crimes were of the deepest kind; banished for life or fourteen years to a spot where the face of woman is never seen—doomed to daily toil, fed upon the most common diet, salt beef, and maize, and water, 'subject to the lash, if a man looked (to use his own expression) at an overseer or a constable, or neglected his work, or committed any offence, however trivial, and often for no offence at all.' One of them said, 'Sentence has been passed on us before, and we thought we should have been executed, and prepared to die, and wish we had been executed then. It was no mercy to send us to this place; I do not ask life, I do not want to be spared upon condition of remaining here; life is not worth having on such terms.' 'I pleaded guilty,' said another, 'to the charge against me because I knew I was guilty, and as the only expiation I could make for my offence, and I have been upbraided by my fellow-prisoners for doing so, because they say that my pleading guilty has been the cause of their being convicted. I was transported from Ireland for an offence of which I was not guilty, that of cattle-stealing; and I was again unjustly convicted before your

Honour of a like offence, and I was innocent of that, and I committed the present offence to get clear of this accursed place.'*

"Another took ingenious advantage of some discrepancy in the evidence, to make a powerful appeal to the judge, founded upon his assertion of his own innocence, and that his person was mistaken.† And finding that appeal ineffectual, and that he was sentenced to die, he broke out in the most moving and passionate exclamations and intreaties that he might not die without the benefit of Confession. 'Oh, your Honour,' he said, 'as you hope to be saved yourself, do not let me die without seeing my priest. I have been a very wicked man indeed, I have committed many other crimes for which I ought to die, but do not send me out of the world without seeing my priest.' Poor soul! he was a Roman Catholic; and after this, he was taken away to his cell, and in miserable agony, employed his time embracing and beating himself upon a rudely constructed figure of the cross, which a fellow-prisoner of the same persuasion made for him of wood, and incoherently and madly pronounced incessantly those brief exclamations for mercy, which such an one could teach him.

"Others spoke in moving terms of the hopelessness of their lot, and their despair, and another spoke also of what rendered the state they were in one of utter hopelessness; and the statement which he made was perfectly true; he said, 'What is done, your Honour, to make us better? once a week we are drawn up in the square opposite the Military Barrack, and the military are drawn up in front of us with loaded muskets and fixed bayonets, and a young officer then comes to the fence, and reads part of the prayers, and that takes, may be, about a quarter of an hour, and that is all the religion we see.'"—p. 257—260.

Who would not be moved by such an appeal as this, especially when these poor men, the brethren, be it remembered, though the sinful brethren, of him to whom it was addressed, pleaded the shameful neglect of the nation, which had sent them there without possibility of improvement, as the cause of that which they acknowledge to be a guilty attempt. Mr. Justice Burton at least was not unmoved; he took upon himself, without the sanction of the law, to reprieve all the prisoners until ministers of religion should attend those who were to suffer. Eleven were finally executed. Nor did his exertions stop here. He made such a representation of the state of the penal settlement, that clergymen are now resident among the prisoners, and their labours,

* "It is right to state here, that the Judge on his return to Sydney referred again anxiously to his notes of this man's trial before him, and others also, who interested themselves in his favour, did the same, and examined the Depositions at the Police Office, when he was committed for trial, and there appeared no reason upon the evidence to doubt his guilt in that transaction, for which he was transported to Norfolk Island. It appears he calculated upon the bad character of the principal witness against him, who after he was convicted of cattle-stealing, was convicted of perjury, not in that case, but was committed in some other."

† "This man's case was also again anxiously investigated by the Judge, and no doubt of his guilt entertained."

though in a field so unpromising, have been so blessed, that when the Bishop visited the island, he "found many of the prisoners in a state of mind justifying their admission to the rite of Confirmation, and to the Holy Communion."

The concluding chapter contains a clear summary of the present state of religion in the colony. From what has been said of its progress up to the present time, it may be anticipated that its present state is a reproach to the nation to which it belongs, and so to every Englishman. For our own security this colony was founded; by our own neglect it has been suffered to grow in numbers, without the opportunity being given for it to grow in grace.

"The number of Protestants at any one time attending Divine Worship, at the commencement of 1839, cannot, it is feared, be estimated at more than 11,000. Of these, the number attending the ministrations of the clergy of the Church of England was about 7000, the number attending the ministrations of the clergy of the Presbyterian Church about 2000, the number attached to the Wesleyan Connection 1450, those attending the Independent Congregation 300, the Baptist 300, and the Quakers about fifty."—p. 270.

"This estimate is formed with respect to the number attending divine worship in 1839; at that time the general population of the colony had been increased from 77,096 (the number in 1836) to about 102,000, the number of Protestants at the former period being 54,621; what proportion of the additional population was of the same denomination, there are at present no means of ascertaining.

"The number of Roman Catholics attending divine worship, in 1836, was not estimated at more than 2450; the Roman Catholic portion of the community being at the same time 21,898. The number of persons of that profession, and of their congregations in 1839, is unknown."—p. 271.

"There were also ten counties, for which there was no minister of religion of any denomination; and these counties contained at that time 6667 Protestants, and 2867 Roman Catholics, total 9534; three of these (as will be subsequently noticed) have since obtained the benefit of a Presbyterian clergyman, but none of them have yet, either one of the Church of England, or of the Church of Rome.

"Thus it will appear that in the year 1836, when the whole population amounted only to 77,096, so large a proportion as 29,177 were in situations in which it was impossible for them to attend the ordinary ministrations of religion, exclusive of that additional number, who, being at large, were yet unable to attend them from their distance.

"The church room in the county districts in 1836 could only accommodate 3000 persons, the number of Protestants in those districts being about 40,000."—pp. 272, 273.

Surely the state into which our native country has fallen as regards church accommodation, might have been sufficient warn-

ing to us who are now suffering by past neglect. In 1811 the population of England was upwards of ten millions, in the next twenty years it increased 3,730,898. The whole increase of church room during that period was not more than five hundred thousand seats. In other words, population increased more rapidly than churches, in the proportion of *seven* to *one;* so that even at that time *seven* claimants were being born for every seat in a new church. This evil has since been fearfully aggravated by the discontinuance of the parliamentary grant.* The state of the colony, as the above extract will show, is even more deplorable. But there is still room for hope; the words of Nehemiah are still calling to us at home and abroad, wherever our Church is extending its branches: "The Lord our God He will prosper us; therefore we his servants will arise and build."—*Nehem.* ii. 20. This good spirit is already abroad. In 1839

"there were thirty-two places at which private subscriptions had been entered into in the colony for the erection of churches, to be consecrated according to the rites of the Church of England, amounting to upwards of 11,000*l.*; and ten other places at which churches were in progress of erection, and undertaken for at an estimated cost of upwards of 20,000*l.*

"These undertakings by no means meet the urgent want, which is still felt in every part of the colony. The number of projected churches and the amount of private subscriptions give proof that the desire of the inhabitants is most strongly towards the tabernacles of the Church of England, yet few in comparison with the necessity are in actual progress of erection, and three only have been at present added to their number."

We rejoice in this spirit, though we regret that it is not fully more equal to meet the wants of the colonists. The effect produced is exactly similar to that which every minister of a large town has daily brought before his notice.

"The want of Church accommodation in the town of Sydney is so great as to cause many, professing a desire to attend the ordinances of the Church, to frequent the chapels of other communities dissenting, some of them very widely, from her doctrines, and some even impatient of her existence as a Church, and gives occasion for excuse to those who would otherwise have no excuse for neglecting public worship altogether."

Another regret also springs from the notice of the amount subscribed for each individual Church. Labour, it is well known, is dearer in the colony than at home. Churches built on an average of 2000*l.* a piece gives but small indication of faith on the part of the builders in Christ's promise that our Church will remain to the end of the world. We therefore, in the following

* Extracted from the Report of the Windsor and Eton Church Union Society, Nov. 5th, 1839.

page, have mention made of the small, ill-built and dilapidated Church of St. Philip, and this in a colony of but fifty years existence.

For these churches clergymen have already been found. Were ten times the number erected, they would never be wanting, though, as in our own country, the labours of these devoted servants of Christ are, as far as worldly wealth goes, miserably *rewarded.* What we would desire to see is a permanent endowment, which, however small, would secure a clergyman for ever, wherever a church is built. At present, the system both in the colony and at home is making too near an approach to the voluntary principle. The clergy are dependent for their support on the existence, or rather on the continued prosperity, of the Church Societies at home.

What seems wanting to secure, as far as man may do, the permanency and efficiency of the Australian Church, is a clear understanding that the Statute of Mortmain does not apply to the colony. We are pretty sure that this important question must sooner or later be mooted. The earlier the better. Many well-informed persons are of opinion that although colonies are mentioned in the statute, still, as the Australian colony was not in existence at the time when the act in question passed, it cannot be in force there. But by far the most straight-forward course seems to be to strike out this act at once from the statute-book. It may or may not have been necessary when it was first enacted; but now it is clearly useless and vexatious. There is now no fear that men will give so much to the Church as to make political economists quake in their professorial chairs for the stability of their systems. Still God may move the hearts of many whom he has blessed in worldly things to bequeath a portion of their superfluities to supply for ever the spiritual wants of their brethren. We know he has touched the hearts of some already, who are only waiting, anxiously waiting, for the repeal of this most intolerant and persecuting statute, to show their love for Christ and his Church not only in word, but in deed.

" Since the period to which these observations refer, it is understood that under the selection of the Society for Propagating the Gospel, and by the authority of the government, ten additional clergymen have sailed from England for New South Wales, and have, therefore, it is hoped, been added ere now to the ministry; and two more are about shortly to sail for the same destination; for some portion of the more destitute parts of the colony, it is hoped, therefore, the bishop may have it in his power to provide."

Besides the districts to which the above account of church accommodation refer,

"there lie also far beyond this circle, around the present limits of location, from the eastern coast to the north, from the north to the west, and from the west to the south, stations for cattle and sheep occupied by thousands of human beings, to whom the very name of religion is almost unknown."—p. 278.

The wealth of the colonies, like that of the patriarchs of old, consists mainly in flocks and herds. In the tracts above-named there are one million two hundred and eighteen thousand five hundred and ninety-six head of cattle, which are kept by four thousand three hundred and eighty persons of all sexes and ages. But what a contrast does their spiritual condition afford to that of Abraham, who, wherever he pitched his tent, builded an altar and called upon the name of the Lord. The good Bishop thus feelingly speaks of these outcasts from his fold:—

"All these districts are more or less thickly covered with stations, and the dwelling-places of nominal Christians, who are, however, far removed beyond the sound or hearing of all that is Christian, living in a state of concubinage, frequently promiscuous, without books or means of instruction of any description—the observation of the Sabbath-day totally obliterated among them—their children grown up not only without baptism, but almost in unacquaintance with the name or being of their Creator. These persons, I have reason to think, judging from the accounts which I have collected, are placed in a situation as dreadful to contemplate as that of any heathen existing upon this earth. I refer to these painful circumstances not merely to explain to the General Meeting the extent of the field which lies open for the exertion of their Christain charity, if it were in their power to occupy it, *but I refer to them principally in the hope that means may be devised for making an effectual representation to the people of England of the condition to which such numbers of their countrymen are reduced, and of the still more deplorable fate which awaits their descendants, unless timely means be employed to arrest it.*"—pp. 278, 279.

The independent testimony of Mr. Justice Burton, one of the judges of the Supreme Court in the colony, tends to the same point.

"A very recent circumstance disclosed in the most painful manner the consequences of men living unawed by, because far out of the reach of, the laws, and uninfluenced by religion. That crime of almost unheard of depravity is alluded to, which was committed so recently as on the 9th of June, 1838, at one of those stations on the Big River by a party of stockmen and others associated with them, in the massacre of a number of inoffensive black natives, not less than twenty-eight, and probably many more."—p. 279.

"The circumstances of that case are sufficiently set forth in the address of the judge, before whom seven of the persons concerned in it were

tried and convicted, and by whom they were sentenced to suffer death."*—p. 280.

From such facts as these all who retain the least respect for poor human nature, our common, though our sinful, nature, would gladly turn away their eyes; but we must not do so; for if we have at all succeeded in keeping the object we proposed to ourselves in this article steadily in view, every Englishman must feel that he has a share in the guilt of these national sins; that great responsibility for past crime lies at our door, who have not prevented, as far as man may do, their commission; that unless we take such measures as shall prevent their repetition, the just vengeance of Almighty God will be called down upon our Church and nation.

"One of the causes which led to the commission of this crime, the absence of all control over the prisoners in that remote district, it is trusted, is now removed by the establishment of a border police, whose duty it will be to afford protection both to the blacks and whites, from the aggression of each other, and to assert the authority of the laws over those who reside at the stations referred to. But the other cause, the absence of all religious instruction, still continues; and for its removal as many itinerant clergymen at least as police magistrates will be required."—p. 281—283.

But whilst the civil officer of the crown has carried the law into effect for the *punishment of crime*, and unflinchingly discharged his duty as a judge, however painful the task may have been to him as a man (for he is not dead to that holy bond, in virtue of which when "one member suffers all the members suffer with it"),—whilst he has used all his influence to enable the law to discharge its higher duty, *the prevention of crime*, he is feelingly alive to the weakness of law, which looks only to the outward action, when compared with that other restraining influence which prevents crime by purifying the heart. He bitterly laments the disproportion of the funds applied by government to these two purposes: whilst the Police Establishment for the year 1838 cost 57,740*l.* 11*s.* 2*d.*, the whole sum which the Colonial Treasury and the British Treasury applied to the other amounts the one to 250*l.* the other to 500*l.* per annum, and this for giving religious instruction to all the prisoners within the limits of the colony.

The Appendix to the work, which is of great length, contains a large number of documents, which fully bear out every statement in the book. Our space will not of course allow us to give extracts from this: we have already exceeded the limits we proposed to ourselves in this article; but the vital, the most fear-

* To the judge's charge we would refer all who wish to satisfy themselves whether the language we have used on this subject is too strong, or, as we believe, verily borne out by facts.

ful importance of the subject must plead our excuse. We will conclude with the able appeal which terminates the book itself.

" After all this shall have been done, after the Parliament and the Government at home and abroad shall have done their duty, there will still remain a field wide enough for the continued exertions of all the friends of the Church within the colony and without.

" Other religious bodies, besides that one which the law of England recognizes as ' The Church,' have been elevated to a position, and have received an encouragement, which has led to more ambitious hopes and a corresponding zeal and activity to accomplish them. Pretenders to her station, inspired with a spirit of bitterness and hostility which admits of and which seeks no concealment, array themselves against her on every side, yet ' The Church' remains, established in the affections of the great majority of the people, and ' increasing,' as was written of the Great Head of the Church, it is humbly and fervently trusted, ' in wisdom and stature, and in favour with both God and man.'

" It is with no despairing doubt therefore of a contest which he perceives is already begun, or in a pitiful spirit to avoid any part of his own proper duty on such an occasion, that A MEMBER OF THE CHURCH OF ENGLAND, IN AUSTRALIA, TURNS FOR HELP TO HIS BRETHREN IN GREAT BRITAIN. HE DOES SO, BECAUSE THE CAUSE IS ONE, THE CHURCH IS ONE, AND THE DUTY IS COMMON TO ALL.

" Are those well disposed members of the Church who are resident in Australia, it is asked, alone interested in that issue ?

" Let those who really love Her Tabernacles wherever they are to be found, because they are the Lord's, answer : Let them answer who have habitually gathered in their native land the blessings of religious means as the members of the Church in the Wilderness did of the manna, without stint, without price, and almost without labour : let them answer who acknowledge in that distant land any kindred tie, the parent, the brother, or the friend : let them, who in any instance have caused the deportation thither of a single responsible being, and have thereby caused that being to be separated from the communion of the Church in England : let all of these answer, are the members of the Church who are resident in New South Wales alone interested in, or responsible for, the determination upon which is to depend the FUTURE STATE OF RELIGION AND EDUCATION IN THAT COLONY ?"—p. 319—321.

NOTICES OF BOOKS.

Bishop Mant has added to his unwearied services in behalf of the Established Church of the sister country, by publishing an elaborate "History of the Church of Ireland, from the Reformation to the Revolution" (Parker). It is a work of much research, and its venerable author's principles are too well known to need any account here of the ecclesiastical views upon which its materials are disposed.

A third edition of Dr. Wordsworth's "Ecclesiastical Biography" (Rivingtons), has appeared with important alterations. The life of Philip Henry has been omitted, partly in deference to the feeling that its value does not compensate for its length, and that its character and subject are unsuitable to the leading design of the work. "The new lives adopted are only two. The first a short account of Dean Colet, founder of St. Paul's School, consisting of extracts, brought together from sundry letters of Colet's friend, Erasmus: and the other is an interesting narrative by himself, of the troubles of Thomas Mountain, a London clergyman, published by Strype, from Fox's papers." A two-fold introduction has been added, containing a history of the corruptions of popery, derived from Dr. Job Inett's Church History, and from Dr. Richard Bentley's Fifth of November Sermon. This new appendage is designed to show, that while we are theoretically bound to admire, we are in a practical point of view equally bound not to imitate "the early champions of respiring freedom and truth." This important collection is undoubtedly more consistent in its new shape; and the great number of notes added will proportionably increase its value as a book of reference. We are not sure, however, but what the venerated author has somewhat narrowed his ground, at least in appearance, for in reality the alteration is not so considerable. He has excluded a good many pages of Non-conformity, and supplied their places with a *quantum sufficit* of the more sober, more discreet, and better favored, but perhaps, on the whole, less interesting material of Protestantism.

Archdeacon Hale has selected and edited some of Bishop Hall's Epistles (Rivingtons) on subjects especially adapted for seasons of affliction. He has printed them in a large type, for the use of the aged and the sick.

Mr. Todd's "Lectures on the Prophecies relating to Antichrist" (Dublin, University Press), are too valuable and important to admit of any notice here, except that of their publication, which has been anxiously expected for some months.

We are glad to announce the publication of several of the series called "The Englishman's Library" (Burns), edited by Mr. Churton and Mr. Gresley, viz. Dean Howard's Scripture History; Bishop Patrick's Parable of the Pilgrim, edited by Mr. Chamberlain; Mr. Gresley's Clement Walton; Mr. Chamberlain's Help to Knowledge; and Mr. Palmer's History of the Church. The last of

these is an especial boon to Churchmen at this time. It consists of a series of beautiful sketches of holy men in every age of Christianity; and thus it supplies a desideratum which has long been felt in our religious literature, of a history of the Church, pious and interesting like Milner's, yet on deeper and truer theological views. Like Milner, the author holds himself at liberty to drop such parts of characters or facts as he considers not to conduce to edification.

We rejoice to see a reprint of "Bishop Ken's Practice of Divine Love, or Exposition of the Church Catechism" (Burns). Such a book requires no recommendation from us.

Also a new edition has appeared (Parker, Oxford) of "Bishop Ken's Prayers for Winchester Scholars," signed and dated "G. M. Winchester."

A new number of the "Tracts for the Times," No. 87, is on the point of making its appearance, being a second Tract upon Reserve. This will be an advance towards completing the fifth volume, and from its subject cannot fail to attract attention.

The papers which appeared in the British Magazine, under the title of "The Church of the Fathers," have been published in a duodecimo volume (Rivingtons), with some additions. The writer almost confines his sketches to the fourth century.

Mr. Merewether, of Cole Orton, has published "Strictures on Mr. Benson's Sermons on Tradition and Episcopacy" (Rivingtons). They are learned, courteous, and convincing.

The celebrity of the Reverend R. I. Wilberforce's "Second Letter to Lord Lansdowne" (Hatchards) has outstripped a quarterly publication like this. It is already well known, from the large extracts which have been made from it in newspapers. It is written with great spirit and effectiveness. We wish he had not called the Roman system "the great imposture;" though of course those who accuse others of excessive language respecting Rome, should be sure they have never at any time used it themselves, which few indeed can boast at this day.

An admirable letter in the best tone has been addressed to the Bishops of Exeter and Salisbury, by Mr. A. Acland, on the present state of religious societies, and the *mode* of obtaining contributions in aid of Christian objects. Mr. Acland suggests the revival of the practice of inviting the alms of the congregation, whether at the offertory, or by collections at the church-door, on every Sunday. And he lays down the principle that "the Church is the appointed channel of public Christian charity. Our alms and oblations belong to the Church, and are through the Church to be offered to God." The pamphlet has come to a second edition; other writers, some of name, have lately been advocating the same views; and the American Church is setting us the example. There is promise in all this.

We are very glad to notice an interesting tract on "Restitution to the Church a sacred Duty" (Burns), as it shows the higher and juster views on ecclesiastical subjects which are coming into light. The writer would have the Parliament, as entrusted with the revenues of the crown, restore to the Church all the crown plunder; and he hopes that, if private impropriators showed a spirit

of restitution, Parliament might be induced to interfere, and award them compensation, as in the case of the West India slave-holders.

We are very sorry to have to notice a work of Mr. Steven, with an unobjectionable title, indeed, "The Spirit of the Church of Rome" (Hastings), but a most objectionable vignette in the title-page—a crucifix, a mitre, a bible, crosier, a whip, a chain, and a pair of hand-cuffs. We fear, however, it is a compliment to call this a fair specimen of the work itself.

A very remarkable volume of Sermons has been published, the writing of the late Mr. Vaughan of Leicester. We do not pretend to have studied every part of it, nor to assent to or approve every word that it contains; but wherever we have read it, we have been struck by evidences of original thought, and a startling anticipation of statements made on one side of certain controversies now pending among us.

"The Irish Pulpit" (Curry and Co.) contains as much eloquence and affectionateness as most importations from that quarter, and rather more soundness and discretion.

Mr. Melville's "Sermons preached at Cambridge, in November, 1839," are composed with his usual fertility of thought and expression. But with all due respect for his talents, we are constrained to say, that we lament the publication of his Sermon, preached at Brighton, on "Angels rejoicing in the Gospel" (Rivingtons). What a pity that a mind so rich and brilliant has not been submitted to the chastening and refining discipline of St. Basil and St. Gregory!

Mr. H. Wilberforce has published, by request, a beautiful Sermon (Rivingtons), on occasion of the rebuilding of the ancient Church of St. Laurence, in Southampton.

Mr. Kynaston's Sermon on "Church Extension," preached at Lichfield, is in many respects worthy of the high reputation with which its author left the University If Mr. Kynaston takes care always to attend to the meaning of what he says, he will not only be a very fluent, but a really eloquent, writer. For instance, how can the Dissenters be like St. John the Baptist, or the Apostles, in any stage of their ministry? Does Mr. Kynaston mean to maintain that they are not only divinely permitted, but commissioned?

A Sermon of much promise has been published at Launceston (Rivingtons), by command of the Bishop of Exeter, before whom it was preached by Mr. Gibbons. It is full of excellent doctrine, put forth with much animation.

Rev. H. Townsend Powell, of Stretton, has been engaged in an active controversy with the Roman Catholics, the fruits of which are given to the public in "A Letter and Historical Table" (Hamilton and Adams), got up with great care, and likely to be very useful to minds of a certain character. His excellent and important object is to show that the Church of England had not "its origin in the Reformation," nor "her ministers derive their authority from the king." On the Table is drawn out the progress of our Reformation from the 20th of Henry VIII. to the 11th of Elizabeth, with the contemporaneous line of reformed and unreformed Bishops.

Rev. Kirby Trimmer's "Curate's Manual" (Rivingtons) begins with a translation of Mr. Stearne's Latin work on the Visitation of the Sick, a useful work for those who need such a help. The offices for Private Baptism and Sick Communion follow, and extracts from Stonehouse's "Sick Man's Friend," which we do not very much like. The greater part of the volume, however, seems to be original. We hope it may do all the good which the pious writer desires from it.

Some well written and useful weekly tracts and tales have been put out at Leeds, under the sanction of the Bishop of Ripon (Burns).

A very pretty book for children has been published by a Clergyman, under the name of "Agathos and other Sunday Stories" (Seeley and Burnside). It is written with a wise object and on unexceptionable principles. We are not satisfied with the Greek names from "Agathos" down to "Edone."

"The Liturgy of the Church of England catechetically explained by Mrs. S. Maddock" (Nisbett), is a useful and well-principled little book, which those who need such a work will be thankful to have heard of. Mrs. Cuthbert's "Practical Exposition of the Church Catechism" (Rivingtons), is a work of similar excellence.

"The Ecclesiastical Almanac for 1840" (Leslie) has many improvements upon that of the former year. Rules are given for fasting and abstinence, as revived in the great body of Western Christendom; and biographical notices of the Saints who are named in the calendar. We do not altogether subscribe to some things in these accounts, particularly the cold and unfair mention which is made of King Charles, under January 30. But on the whole this small publication will be welcome to all ritualists; and as such we have noticed it in an early place in the number.

A Prayer Book for private use or for a family has been published (Graham, Oxford) under the title of "Christian Catholic Prayers." It is compiled on the truest and best model of devotion, that of the Breviary and Church Prayer Book.

Mr. H. W. Acland, of Christ Church, being obliged to voyage for his health, has profitably employed his time in preparing a most striking panoramic drawing of the Plains of Troy, taken on the spot, and a map constructed after the latest survey. Classical students will thank us for the information.

As far as a superficial survey will allow us to judge, Dr. Giles' new Greek Lexicon (Longman) appears to be, in some respects, an improvement on our old school manuals. A good deal of useless matter has been got rid of in the Greek-English part; and room thus made for an English-Greek Lexicon much fuller than usual, a great help of course in the first steps to Greek composition. The substitution of English for Latin is a questionable advantage, which we have not here space to observe upon.

J. T. Smith's "Comparative View of Ancient History" (Souter, Fleet Street) brings into a few pages a good deal of space and time. In the course of his chronological observations occur some curious notes on the elective character of the crown of England. One passage we will quote: "So much was this the case, that the chronicler of Henry II., alluding to the length of time be-

tween Stephen's death and Henry's recognition, says, 'England was therefore without a king for six weeks.'"

The "New General Biographical Dictionary" (Fellowes) has advanced to the Fourth Part with the same spirit and variety as at the first. The work does not seem likely to exceed the compass originally intended.

"The Glossary of Architecture" (Parker, Oxford), which so rapidly passed through two editions a year or two ago, has now appeared in a third. It has grown into two volumes, the second of which consists of plates. It is beautifully illustrated, and contains as many as 700 woodcuts. Articles are added on domestic architecture, stained glass (under the title "Window"), &c.

A classical and elegant writer, under the title of "Vigornensis," has published an "Historical Review of the Nature and Result of Vaccination" (Rivingtons), which we recommend to all persons who wish at once entertainment and instruction on that important subject. We wish, however, he had not put the discovery of vaccination above "the gold of Ophir, the precious onyx, and the sapphire stone."—p. 95.

The "Chapters on the Modern History of British India," by Edward Thornton, Esq. (Allen), present as exclusively a story of war as Cæsar's Commentaries. They forcibly remind us of the one fatal condition on which we have obtained and now hold that vast empire, viz. the denial before men of the name of Christ.

The "Travels in South-Eastern Asia," by Mr. Malcom, an American Baptist missionary (Tilt), contain so much curious matter as to deserve a larger notice than we have room for. They give an incredibly discouraging account of the prospects of Christianity in the East, and the unchristian policy and practice of the Europeans. Is it possible that our government has, as he states, appointed a Unitarian preacher "to visit various parts of India, and to report on the state of education?"

Dr. Wolff is a person whose merits will be better appreciated when time has softened the effect of his eccentricities, and placed him beyond the reach of vacillation or change. The censures which his "Journal" has drawn on him from the enemies of right Church principles, supersede the necessity of commendation from us. That very interesting, though desultory, book, fully establishes and accounts for the fact, that the present state of the writer's views is the result of his own experience.

"The Oriental Annual for 1840" (Tilt) is a most splendid drawing-room ornament. The beautiful engravings impress us more strongly than ever with the affinity of the Indian or Mahomeddan architecture to the Gothic or Catholic, as though they had diverged from the common stock of the Roman.

Mr. Plumpton Wilson's "Christian Services" (Murray) vies with the last-mentioned publication in external magnificence. The author can hardly expect many to acquiesce in his plan, which is to make the book of Genesis the historical framework of a weekly course of devotions.

The "Poems by Eliza Cook" (Tilt), possess great sweetness and spirit; but the subjects are not always well chosen, and the religion, with an indication here and there of something better, is in general that of Pope's Universal Prayer.

Mr. Riddle has published (Parker, Strand) "A Manual of Christian Antiquities," professedly on the plan of those well-known school books, the Antiquities of Greece and Rome, treating the ceremonies and institutions of the primitive Church, "not only independent of polemics, but apart from the general materials of Church history." The utility of this plan appears to us very questionable, being likely to give a mere antiquarian, low, and superficial knowledge of a most important subject. Yet Mr. Riddle *has* intruded into polemical questions, and in the following tone: "We may reasonably believe that episcopacy is a Divine institution; but we have no right to contend that it is the only system to which that *honour* is attached." Again, of the Athanasian Creed, "Indeed, if our Church should resolve upon altogether expunging the clauses commonly called condemnatory, it is possible that the cause of truth would suffer no detriment."

"Extracts from Holy Writ and various Authors, for Soldiers and Seamen, by Captain Sir W. Willoughby," is a pious and well-intentioned compilation from a very heterogeneous set of authors, Sturm, Tillotson, Jay, Bogatzky, Hawker, à Kempis, H. More, Newton, Watts, Mason, the Prayer Book, Horne, Locke, Hall, and Stillingfleet.

Mr. Wackerbath has drawn attention, partly in his own words, partly in those of a friend, to Dr. Croly's Visitation Sermon, in a pamphlet called "The alleged Connection between the Church of England and Lutheranism examined" (J. W. Parker). We must confess we were quite astounded, though not wishing to use great words, at Dr. Croly's view, which if held consistently (which doubtless it is not by him), differs little or nothing *in its fundamental principle* from Mahometanism, Neologianism, or St. Simonianism. He conceives that Protestantism is a *new interposition* upon Christianity, as Christianity upon Judaism. "It is true," as says one of the writers before us, "Dr. Croly affirms that he does not intend to assert that there have been three revelations, but in spite of this, the whole scope and tenor of the sermon leans to such a conclusion. 'Such,' he says, 'are the tremendous cycles by which Omnipotence rounds its career. The concurrence, the similitude, the almost identity of the originating circumstances of Judaism, Christianity, and Protestantism, is beyond all question.'" Dr. Croly then contrasts, we still extract from the pamphlet, the second and third interpretation thus: *Second*, "In Christianity, the Son of Man came as an obscure Israelite, wholly unconnected with the public excitement of the times, and a priest of the order of Melchizedek. His religion was subsequently transmitted into the hands of the first Christian emperor, and it was embodied in the Established Church of the empire." *Third*, "The German Reformation commenced with the agency of Luther, a priest, a monk of the Augustinian order. On him the new delivery of the Gospel devolved; its protection on a British sovereign; its duties on the Church of England, the chief among the Churches of Protestantism." What portentous language is this? What does it omen? What is coming on us? And this in St. Paul's Cathedral. And the Sermon has reached a fourth edition.

William Smith, Esq. author of "A Discourse on Ethics of the School of

Paley" (Pickering), says "The only immutable morality is this, that the happiness of all be protected and cultivated."

"Questions and Answers for Young People of the Church of England, to guard them against its Enemies. By a Layman. 6th edit. 1st edition, 1838, one year before 'the Glory departed from Israel'" (Rooke and Varty), is, as the title would dispose one to consider, bold and zealous, with some oddities. The proposition to baptize or confirm all foreign princes and princesses (not episcopalian) into the Reformed Catholic Church of England, before marrying into our royal family, besides its questionableness in a theological point of view, would, we fear, lead to frequent profanations of the sacrament.

"John Brown, D. D. Minister of the *United Associate Congregation*, Broughton Place, Edinburgh, and Professor of Exegetical Theology to the *United Secession Church*," to judge from his pleonastic and at the same time self-contradictory titles, must by this time be quite *au fait* at all questions of submission and resistance. His "Supplementary Notes to The Law of Christ respecting Civil Obedience, especially the Payment of Tribute," is a collection of some hundred passages from all sorts of authors strung together, like prisoners of war tied to their captors on a march. By way of a frontispiece, Hooker is introduced, handcuffed to Hoadley: then come in Pope, Wickliffe, Herodotus, Jeremy Taylor, Hume, Hammond, T. Cartwright, Bishop Butler, Priestley, Holy Scriptures, T. B. Macauley, Froude, Gibbon, &c. &c. Mr. Gladstone's book appears to be the spark which has exploded this miscellaneous magazine of combustibles.

Mr. Edward Swaine considers that "Dissent wears no sword," and "the principle of Dissent is its shield;" and therefore he has composed a book called "The Shield of Dissent," with strictures on Dr. Brown's work on Tribute (Snow), but without "ambitious and general championship." This, if put into our language, would be that Dissent is a negative principle, which creates nothing, simply undoes, like discontent or lukewarmness. In the author's language it seems to come to this, that *while* a man keeps to the dissenting *principle*, he cannot be forced to *advance* forward to Church practice. "Under shelter of its *principle*," he says, "it is prepared for all attacks that *argument* may deal with." The drift of the work then is to show that the said principle is not open to certain objections which has been urged against it.

We find that in the frontispiece to Mr. Saunders's account of the Protestant exiles of Zillerthal, noticed in our last number, it is intended to represent them, not as Protestant exiles, but as Catholic inhabitants of the country.

It is a great relief, that Professor Lee's Hebrew Lexicon has at length appeared, and all will sympathize with him in the afflictions and attendant ill-health which delayed it. For the beginner it is of especial value, as giving him the advantages of the modern German Lexica (in the comparison of the cognate dialects), without the neology which more or less is found in them, and with which we should be sorry that a young mind should be familiarized, even while rejecting it. Professor Lee's name is, moreover, a guarantie of a sounder and more thorough acquaintance with Arabic, than is possessed even

by Gesenius. We hope, however, that Professor Lee's health will permit him to make this the basis of a larger work, which may bear the same relation to this as Gesenius' Thesaurus to his Lexicon. Even for this lexicon we should have desired a different arrangement (the old way of classifying derivatives under their roots was much more beneficial even to the learner than the strictly alphabetical method, which Gesenius introduced into his manuals, while for more advanced study it may be said to be indispensable); but chiefly we should have desired to have had from Professor Lee a fuller illustration from the cognate dialects than the nature of a manual admits; and we should have been glad also of a fuller notice of common words in passages where their meaning is doubtful. (To explain our meaning by cases which occur at the moment, גבהים (Eccl. v. 7), which we doubt not refers to Almighty God; the meaning of נעבד (Eccl. v. 8); whether כשרון (Eccl.) signify "uprightness," or only (as Professor Lee gives it) "prosperity, profit;" the meaning of בעלי אספות (Eccl. xiii. 11), which some have explained as in apposition to the "nails," "firmly joining;" others "authors of collections;" the English version, "masters of the assemblies;" which we should adopt, only with a different construction. "The masters of the assemblies have been given by One Shepherd," i. e. the teachers set over the Church, though many, have been given by the One Shepherd of Israel, and, though many, speak one voice. Professor Lee has only "*collections*, i. e. of stores or money, or, as some think, *storehouses*." The Latin Vulgate, "a *council* or assembly of persons.") Professor Lee, we infer from the preface, made the Concordance the basis of his labours, referring continually to the Biblical text (which is manifestly the only way); we only wish that he would, in a larger work, pursue this plan more fully; enter more into discussion than was admissible in a manual; explain more fully the meaning of ordinary words (to us the space assigned to words of natural history or antiquities, which are the least important, seems rather disproportioned); insert the proper names, which often throw light on other words; give summaries, at least, of statements, where he now simply refers to his Commentary on Job, or his Sermons; and lastly, give us more of his treasures of Arabic knowledge. We could not but think that his Commentary on Job contained much which was more suited to a lexicon, and which we should have liked to have seen transferred thither. There are also some few things, which we need not specify here, which we should be glad to see omitted; nor do we think the continual correction of Gesenius necessary; it takes much space, and is an unpleasant way of giving information: it is better to teach truth positively than negatively; error often finds its way into the unsound mind by means of the refutation. However, whether Professor Lee be willing or be enabled to undertake this larger work, we are much indebted to him for one which we can put safely into the hands of students, and from which the more advanced may learn.

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OF THE

REMARKABLE PASSAGES

IN THE

CRITICISMS, EXTRACTS, AND ECCLESIASTICAL RECORD.

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